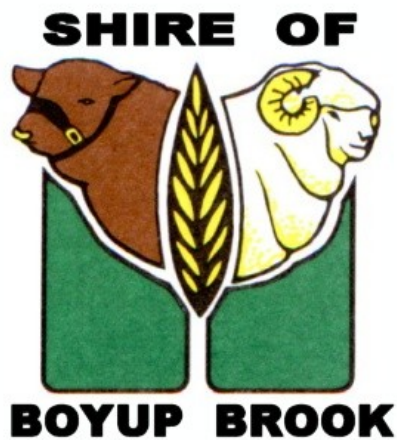


# MINUTES



ORDINARY MEETING

HELD

THURSDAY 18 NOVEMBER 2010

COMMENCED AT 3.30PM

AT

SHIRE OF BOYUP BROOK CHAMBERS  
ABEL STREET – BOYUP BROOK

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## **1 RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE PREVIOUSLY APPROVED**

### **1.1 Attendance**

Cr T Ginnane – Shire President  
Cr M Giles – Deputy Shire President  
Cr E Biddle  
Cr R Downing  
Cr P Marshall  
Cr E Muncey  
Cr B O’Hare  
Cr T Oversby

STAFF: Mr Alan Lamb (Chief Executive Officer)  
Mr Keith Jones (Manager of Finance)  
Mr John Eddy (Manager of Works & Services)  
Mrs Maria Lane (Executive Assistant)

PUBLIC: Ms Shirley Broadhurst arrived at 3.30pm and left at 3.40pm

### **1.2 Apologies**

### **1.3 Leave of Absence**

Cr T Doust

## **2 PUBLIC QUESTION TIME**

Ms Shirley Broadhurst asked Council the following questions:-

1. Question - Can it be shown in written word that the Heritage Council did in fact support the demolition plan for buildings 3,4,5,11 and 12.  
Response – The CEO tabled a copy of the recommendation from the Heritage Council’s Register Committee meeting held 24 September that was put to the Heritage Council meeting, held 8 October.
2. Question - Officer Recommendation: The Heritage Council as an organisation did not see the place to have cultural heritage significance or have value for the present community and future generations. What effort was made by the Heritage Council to justify, verify or support this statement?  
Response – The President noted that the Shire Council was not in a position to answer this question.
3. Question - Have all Councillors been given a collated collection of the correspondence and verbal responses to the demolition of structures 11 and 12?  
Response – The CEO noted that any correspondence sent to the Office and addressed to Councillors had been forwarded on.
4. Question - Will decisions be made with accountability to the strong community response against the demolition of the Retting Tanks?

Response – The President noted that there was an item on the agenda relating to planned demolition works that Council would consider at this meeting.

**2.1 Response to Previous Public Questions Taken on Notice**

Nil

**2.2 Public Question Time**

**3 APPLICATIONS FOR LEAVE OF ABSENCE**

**4 PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS**

Cr Oversby attended the Upper Blackwood Show on 2<sup>nd</sup> November 2010 which was worthwhile. Cr Oversby would like to thank Mr John Eddy and the depot staff for organizing the chairs and removing the rubbish.

**5 CONFIRMATION OF MINUTES**

**5.1 Ordinary Meeting of Council Thursday 21 October 2010.**

**OFFICER RECOMMENDATION – ITEM 5.1**

**That the minutes of the Ordinary Meeting of Council held on Thursday 21 October 2010, be confirmed as an accurate record.**

**COUNCIL DECISION – ITEM 5.1**

**MOVED: Cr Oversby**

**SECONDED: Cr Biddle**

**That the minutes of the Ordinary Meeting of Council held on Thursday 21 October 2010, be confirmed as an accurate record subject to the following amendments:**

**Page 66 – Council Decision – 10.1.1 to read 10.1.2**

**Page 66 – That Council deal with late item 10.1.1 to read 10.1.2**

**CARRIED 8/0**

**Res 227/10**

**6 PRESIDENTIAL COMMUNICATIONS**

Cr Ginnane acknowledged the resignation of Cr Downing and personally thanked him for the 7<sup>1/2</sup> years he has served the community as a Council member. The President noted his service as a Councillor, his valued support as a Deputy President and his dedicated term as President, and noted that he had set a good example for all.

Cr Ginnane met with Terry Redman regarding Royalties for Regions and invited him to meet with Council to talk about the Country Local Government Fund and other matters.

Cr Ginnane reported that he had spoken with Sandy Lewis about a meeting regarding “Locals against Wildfires” and that it was proposed that the Shire host another meeting in Boyup Brook.

**7 REPORTS OF OFFICERS**

## 7.1 MANAGER WORKS & SERVICES

### Declare an Interest

Cr Ginnane declared a financial interest in the following item and departed the Chambers, the time being 3.48pm.

Cr Ginnane asked Cr Giles to act as Chairman due to Cr Ginnane having a financial interest in the following item:

#### 7.1.1 Re-Allocation of Budgeted Funds

<b>Location:</b>	<i>Shire of Boyup Brook</i>
<b>Applicant:</b>	<i>Shire of Boyup Brook</i>
<b>File:</b>	<i>FM/9/002</i>
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>10 November 2010</i>
<b>Author:</b>	<i>John Eddy – Manager of Works &amp; Services</i>
<b>Authorizing Officer:</b>	<i>Alan Lamb – Chief Executive Officer</i>
<b>Attachments:</b>	<i>None</i>

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### SUMMARY

Due to the lack of water resources to provide the required amount of water to the recreation area and the loss of the motor on the trailer mounted fast fill pump it is requested to re-allocate budgeted funds for the following:-

1. Carry out exploratory bore holes for ground water.
2. Purchase a new 20 H.P. Honda pump motor.

### BACKGROUND

#### ***Exploratory Boring***

The lack of winter rains and associated run-off has left the Shire dams with a dire shortage of available water to maintain the turfed areas within the recreation areas.

The Manager of Works and Services would like to re-allocate budgeted funds to complete several exploratory bore holes to determine if ground water is available to supplement existing water supplies in the town dams.

#### ***Water Pump Motor***

The Shire's trailer mounted fast fill pump motor was seized when a broken drive belt dislodged the motors oil dip stick causing loss of oil and seizing the motor. A new 20 H.P motor is required to replace the seized motor.

### COMMENT

#### ***Exploratory Boring***

Further to discussions with several boring contractors it has been determined that three test holes of approximately thirty metres depth can be bored for six thousand five hundred dollars (\$6500).

Should the Council agree to the exploratory boring a local contractor can commence with a weeks notice.

***Water Pump Motor***

The Honda Shop have quoted a new one inch straight shaft Honda motor with electric start to replace the seized pump motor at two thousand two hundred and fifty dollars (\$2,250) plus G.S.T and freight.

The Plant and Equipment section of the 2010/2011 Capital Expenditure budget has an allocation of nine thousand dollars (\$9,000) for a vibrating roller compaction computer. It will be recommended that the funding for the compaction computer be re-allocated to fund the exploratory water boring and the new Honda water pump motor and that the 2010/2011 Budget be amended accordingly.

The compaction computer for the vibrating roller will be submitted for consideration in the 2011/2012 budget process.

**CONSULTATION**

Chief Executive Officer  
Manager of Finance  
Water Boring Contractors

**STATUTORY OBLIGATIONS**

Local Government Act 1995 – 56.8 (1) (6)  
Expenditure from municipal fund not included in annual budget.

**POLICY IMPLICATIONS**

Nil

**BUDGET/FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATONS**

Nil

**VOTING REQUIREMENTS**

Absolute Majority

**COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.1.1**

**MOVED: Cr Biddle**

**SECONDED: Cr Muncey**

**That the Council amend the 2010/2011 Budget and approve the re-allocation of nine thousand dollars (\$9,000.00) budgeted for the vibrating roller compaction computer (E172310) in the 2010/2011 Capital Expenditure budget to:-**

- 1. An allocation of six thousand five hundred dollars (\$6,500) for exploratory water boring.**
- 2. An allocation of two thousand five hundred dollars (\$2,500) for the purchase of a new Honda water pump motor.**

**CARRIED BY ABSOLUTE MAJORITY 7/0**

**Res 228/10**

**3.52pm – M Lane left the Chambers**

**3.53pm – M Lane returned to the Chambers.**

**3.53pm – Cr Ginnane returned to the Chambers.**

## 7.2 **MANAGER – FINANCE**

### 7.2.1 **Accounts for Payment**

<b>Location:</b>	<i>Not applicable</i>
<b>Applicant:</b>	<i>Not applicable</i>
<b>File:</b>	<i>FM/1/002</i>
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>11 November 2010</i>
<b>Author:</b>	<i>Keith Jones – Manager of Finance</i>
<b>Authorizing Officer:</b>	<i>Not applicable</i>
<b>Attachments:</b>	<i>Yes – List of Accounts Paid</i>

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#### **SUMMARY**

Report recommends the acceptance and approval of the Schedule of Accounts for Payment.

#### **BACKGROUND**

Invoices have been received during the month of October 2010.

#### **COMMENT**

Accounts are presented for consideration (see appendix 7.2.1) or where paid by direct debit pursuant to the Council's "Authorisation to Make Payments" policy.

#### **CONSULTATION**

Nil

#### **STATUTORY OBLIGATIONS**

Local Government (Financial Management) Regulations Act 1009, Regulation 12; and Regulations 13(3) (a) (b); 13(1); and 13(4).

#### **POLICY IMPLICATIONS**

Accounts are presented for consideration or where paid by direct debit pursuant to the Council's "Authorization to Make Payments" policy.

#### **BUDGET/FINANCIAL IMPLICATIONS**

Account payments are in accordance with the adopted budget for 2010/11 or authorized by separate resolution.



**STRATEGIC IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Simple Majority

**COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.2.1**

**MOVED: Cr O’Hare**

**SECONDED: Cr Downing**

**That the payment of accounts for October 2010 as presented totalling \$349,343.12 and as represented by cheque voucher numbers 18267 – 18295 totalling \$60,282.41, and accounts paid by direct electronic payments through the Municipal Account totalling \$289,060.71 be endorsed.**

**CARRIED 8/0**

**Res 229/10**

## 7.2.2 October 2010 Monthly Statements of Financial Activity

<b>Location:</b>	<i>Not applicable</i>
<b>Applicant:</b>	<i>Not applicable</i>
<b>File:</b>	<i>FM/10/003</i>
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>11 November 2010</i>
<b>Author:</b>	<i>Keith Jones – Manager of Finance</i>
<b>Authorizing Officer:</b>	<i>Not applicable</i>
<b>Attachments:</b>	<i>Yes – Financial Reports</i>

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### **SUMMARY**

Report recommends Council receive the Balance Sheet and Operating Statement for the month ended October 2010 and Investment Schedule for the month ended 30 November 2010.

### **BACKGROUND**

Section 6.4 of the Local Government Act 1995 places financial reporting obligations on local government operations.

Regulation 34 (1)–(4) of the Local Government (Financial Management) Regulations 1996 requires the local government to prepare a 'Monthly Statement of Financial Activity'.

The regulations also prescribe the content of the report.

The reports are attached – see appendix 7.2.2

### **COMMENT**

Nil

### **CONSULTATION**

Nil

### **STATUTORY OBLIGATIONS**

Local Government (Financial Management) Regulations 1996, s34 (1) (a)  
Local Government (Financial Management) Regulations 1996, s19 (1) (2) (a) (b)  
Local Government (Financial Management) Regulations 1996, s34 (2) (a) (b)

### **POLICY IMPLICATIONS**

Nil

**BUDGET/FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Simple Majority

**COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.2.2**

**MOVED: Cr Oversby**

**SECONDED: Cr Downing**

**That the October 2010 Monthly Statements of Financial Activity as presented, be received.**

**CARRIED 8/0**

**Res 230/10**

### 7.2.3 Annual Report – 2009/10

<b>Location:</b>	Shire of Boyup Brook
<b>Applicant:</b>	Shire of Boyup Brook
<b>File:</b>	FM/9/002
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	11 November 2010
<b>Author:</b>	Keith Jones – Manager of Finance
<b>Authorizing Officer:</b>	Alan Lamb – Chief Executive Officer
<b>Attachments:</b>	Yes – Draft Annual Report 2009/10

#### **SUMMARY**

The purpose of this report is to present to Council the Annual Report for the year 2009/10 for their acceptance.

#### **BACKGROUND**

The Local Government Act 1995 sets out the requirement for the preparation of Annual Reports and the information to be included:

- A report from the mayor or president;
- A report from the CEO;
- An overview of the plan for the future of the district made in accordance with section 5.56, including major initiatives that are proposed to commence or to continue in the next financial year;
- The financial report for the financial year;
- Such information as may be prescribed in relation to the payments made to employees;
  - i) the number of employees of the local government entitled to an annual salary of \$100 000 or more;
  - ii) the number of employees with an annual salary entitlement that falls within each band of \$10 000 over \$100 000;
- the auditor's report for the financial year;
- a matter on which a report must be made under section 29(2) of the *Disability Services Act 1993*; and
- such other information as may be prescribed.

Council is required to accept the Annual Report when presented with or without modification:-

- (1) Subject to subsection (2), the annual report for a financial year is to be accepted\* by the local government no later than 31 December after that financial year.

\* *Absolute Majority required.*

- (2) If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is

to be accepted by the local government no later than 2 months after the auditor's report becomes available.

**Local Government Act 1995 Section 5.27. Electors' general meetings**

- (1) A general meeting of the electors of a district is to be held once every financial year.
- (2) A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.
- (3) The matters to be discussed at general electors' meetings are to be those prescribed.

**Local Government Act 1995 Section 5.29. Convening electors' meetings**

- (1) The CEO is to convene an electors' meeting by giving —
  - (a) at least 14 days' local public notice; and
  - (b) each council member at least 14 days' notice, of the date, time, place and purpose of the meeting.
- (2) The local public notice referred to in subsection (1)(a) is to be treated as having commenced at the time of publication of the notice under section 1.7(1)(a) and is to continue by way of exhibition under section 1.7(1)(b) and (c) until the meeting has been held.

**CONSULTATION**

Shire President, Manager of Finance, Manager of Works.

**STATUTORY OBLIGATIONS**

Local Government Act 1995 Sections 5.53 & 5.54 Annual Report, Sections 5.27 & 5.29  
Electors Meeting  
Local Government (Administration) Regulations 1996 Section 19B

**COMMENT**

The report presented has been prepared in accordance with the past format and includes the information required in the background section of this report.

Council will need to agree on a date to hold the Annual General Meeting of Electors which must be prior to 13th January 2011 but not before (14) days local public notice is given.

It is recommended that Council accept the report as presented.

**POLICY IMPLICATIONS**

No specific policy in relation to the Annual Report and or Annual Electors Meetings.

**BUDGET/FINANCIAL IMPLICATIONS**

The costs associated with producing the Annual Report and holding Annual Electors meeting are provided for in the 2010/11 budget.

**STRATEGIC IMPLICATIONS**

The Annual Report provides information about the Shire for 2009/10 and the plan for the future.

**SUSTAINABILITY IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Absolute Majority Item 1

Simple Majority Item 2

**OFFICER RECOMMENDATION – ITEM 7.2.3**

- 1, That Council accepts the Annual Report as presented for the 2009/10 financial year.
2. That the Annual meeting of Electors for the year 2009/10 be held in the Council Chambers on Thursday 16th December 2010 at 7.30pm.

**MOVED: Cr Oversby**

**MOTION LAPSED FOR WANT OF A SECONDER**

**COUNCIL DECISION – ITEM 7.2.3**

**MOVED: Cr Downing**

**SECONDED: Cr Biddle**

**That item 7.2.3 be referred to the Forward Planning Committee meeting for further consideration and recommendation due to the Annual Report being received late.**

**CARRIED 8/0**

**Res 231/10**

**Impartiality Interest**

Cr Downing declared an impartiality interest in the following item as he will be participating in this event.

**7.2.4 Boyup Brook Town Hall – request for donation of hire costs**

<b>Location:</b>	<i>Boyup Brook Town Hall</i>
<b>Applicant:</b>	<i>Combined Churches Group of Boyup Brook</i>
<b>File:</b>	<i>CP/59/001</i>
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>3 November 2010</i>
<b>Author:</b>	<i>Keith Jones – Manager of Finance</i>
<b>Authorizing Officer:</b>	<i>Not applicable</i>
<b>Attachments:</b>	<i>Email from Mrs Liz Parker</i>

---

**SUMMARY**

The purpose of this report is to put before Council the Combined Churches Group's request for free use of the hall to hold the Seniors Christmas Lunch be approved.

**BACKGROUND**

Council's list of fees and charges includes a specific fee for "Public Meetings (no kitchen)" and this year the fee is \$115.50 per occasion. The Combined Churches Group of Boyup Brook have annually provided a meal and entertainment for the seniors of the community.

With the recent changes to the regulations for food preparation, the group will need to utilize the Town Hall kitchen.

This particular group does not have exemption through the Council Policy A.8 – Shire Facilities Hire – Exempt Groups.

**COMMENT**

Council is already supporting this event annually and this year the budget provides for \$750. Last year the actual costs for food items were \$550 that was paid by the Shire.

The hire fee for rehearsals (per occasion) is \$15.75 and it is suggested this fee be used for the setup of the hall with tables, chairs and decorations, and the fee for half a day kitchen use \$20.00 on Tuesday 30 November 2010. For Wednesday 1 December 2010, the hire fee for public meetings (no kitchen) is \$115.50 and the kitchen fee for a full day is \$30.00.

It is suggested that the proposed use is in accordance with what the hall was built for and the requested fee donation will have no significant effect on Council's finances. It is recommended that Council donate the hall hire costs for set up and the lunch (\$131.25) and the kitchen use for a half day and a full day (\$50).

**CONSULTATION**

Chief Executive Officer

**STATUTORY OBLIGATIONS**

Nil

**POLICY IMPLICATIONS**

Council's Donations Policy has application.

**BUDGET/FNANCIAL IMPLICATIONS**

The financial impact will be the loss of income of \$161.25. In drafting the budget, hall hire income is calculated based on the income of past years plus any know events. This particular hire was not envisaged at the time the budget was drafted and so not specifically included in the budget.

**STRATEGIC IMPLICATIONS**

Nil

**SUSTAINABILITY IMPLICATIONS**

- **Environmental**  
There are no known significant environmental issues.
- **Economic**  
There are no known significant economic issues.
- **Social**  
There are no known significant social issues.

**VOTING REQUIREMENTS**

Absolute majority

**COUNCIL MOVED INTO COMMITTEE**

**MOVED: Cr Biddle**

**SECONDED: Cr Downing**

**That the Council move into a committee of the whole under clause 15.6 of the Standing Orders, Local Law No.1 to allow members free discussion on the matter.**

**CARRIED 8/0**

**Res 232/10**

**COUNCIL MOVED OUT OF COMMITTEE**

**MOVED: Cr Oversby**

**SECONDED: Cr Biddle**

**That the Council moves out of committee of the whole under clause 15.6 of the Standing Orders, Local Law No.1.**

**CARRIED 8/0**

**Res 233/10**



**COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.2.4**

**MOVED: Cr Giles**

**SECONDED: Cr Biddle**

**That Council donate \$181.25 to the Combined Churches Group the cost of hiring the Boyup Brook Town Hall and kitchen as a contribution to the Seniors Christmas Lunch to be held on 1 December 2010.**

**CARRIED BY ABSOLUTE MAJORITY 8/0**

**Res 234/10**

**Impartiality Interest**

Cr O'Hare declared an impartiality interest in the following item due to being a member of the committee.

**7.2.5 Boyup Brook Community Resource Centre – request for donation reallocation**

<b>Location:</b>	<i>Boyup Brook</i>
<b>Applicant:</b>	<i>Boyup Brook Community Resource Centre (BBCRC)</i>
<b>File:</b>	<i>FM/25/008</i>
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>10 November 2010</i>
<b>Author:</b>	<i>Keith Jones – Manager of Finance</i>
<b>Authorizing Officer:</b>	<i>Not applicable</i>
<b>Attachments:</b>	<i>Letter from Ms L. Coote - Manager</i>

---

**SUMMARY**

The purpose of this report is to put before Council the Community Resource Centre's request for a change of funds allocated to implement a community history project. The BBCRC is requesting the \$2,500 be reallocated for the purpose of purchasing special computer software.

**BACKGROUND**

Council's annual budgetary process in 2009/2010 determined that \$2,500 be donated to the Boyup Brook Community Resource Centre (BBCRC) for the purpose of implementing a community history project "Moments in Time". The manager indicates in her letter that this was not sufficient funds to progress the project.

The BBCRC wish to allocate the donation to a project which will scan and archive the last 20 years of the Boyup Brook Gazette.

**COMMENT**

Council has already determined that the funds should be used for a history project and this new project is actually preserving some history in the form of the Boyup Brook Gazette articles.

It is suggested that the proposed use is in accordance with the spirit of Council's original donation. It is recommended that Council agree to the change in allocation of \$2,500 to the Boyup Brook Gazette archiving project.

**CONSULTATION**

Chief Executive Officer

**STATUTORY OBLIGATIONS**

Nil

**POLICY IMPLICATIONS**

Council's Donations Policy has application.

**BUDGET/FNANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**SUSTAINABILITY IMPLICATIONS**

- **Environmental**  
There are no known significant environmental issues.
- **Economic**  
There are no known significant economic issues.
- **Social**  
There are no known significant social issues.

**VOTING REQUIREMENTS**

Absolute majority

**COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.2.5**

**MOVED: Cr Giles**

**SECONDED: Cr Biddle**

**That Council allow the Boyup Brook Community Resource Centre to expend the \$2,500 donated in the 2009/2010 financial year on the scanning and archiving of the Boyup Brook Gazette project.**

**CARRIED BY ABSOLUTE MAJORITY 7/1**

**Res 235/10**

### **7.3 CHIEF EXECUTIVE OFFICER**

#### **7.3.1 Revised Subdivision Guide Plan**

<b>Location:</b>	<i>Lots 720 &amp; 721 Bridgetown Road</i>
<b>Applicant:</b>	<i>MPM Development Consultants</i>
<b>File:</b>	<i>AS3100</i>
<b>Disclosure of Officer Interest:</b>	<i>Nil</i>
<b>Date:</b>	<i>9<sup>th</sup> November</i>
<b>Author:</b>	<i>Geoffrey Lush (Council's Consultant Planner)</i>
<b>Authorizing Officer:</b>	<i>Alan Lamb – Chief Executive Officer</i>
<b>Attachments:</b>	<i>1 – Proposed Subdivision Guide Plan</i>

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#### **SUMMARY**

This report is to consider a request to modify the subdivision guide plan for Special Rural Area No 7 which was introduced by Amendment No 12 to Town Planning Scheme No 2.

The purpose of this is to allow for the creation of 2 hectare lots within the subdivision.

The applicant has addressed the issues raised previously by Council and has submitted a revised subdivision guide plan which is suitable for endorsement.

#### **BACKGROUND**

This matter was considered by Council at its Meeting of the 21<sup>st</sup> October at which time it resolved that the subdivision guide plan needed to address the nominated issues.

Amendment 12 was approved on the 17<sup>th</sup> April 2009. It rezoned Lots 720 and 721 DP 100786, Boyup Brook – Bridgetown Road, Boyup Brook – from 'Rural' zone to 'Special Rural' and to include special provisions into Schedule 3 'Special Rural' zones.

In approving the Amendment the Minister for Planning required the Special Conditions to be altered by replacing reference to a minimum lot size of 4 hectares with 2 hectares.

The owner seeks to revise the Subdivision Guide Plan such that a development comprising lots with a minimum area of 2 ha can be realised in accordance with the standards permitted by the Council Scheme. The revised Subdivision Guide Plan is contained as Attachment 1 and this shows 52 lots.

#### **COMMENT**

The issues raised previously related to:

- The vineyard;
- Access to Bridgetown Road;
- Bush fire management;
- Driveways;

- Landscaping; and
- Building envelopes.

These matters have been further discussed with the applicant and addressed in the revised plan.

There are several minor alterations which are still required but these do not affect the design of the plan.

### **CONSULTATION**

Applicant.

### **STATUTORY ENVIRONMENT**

The revised Subdivision Guide Plan is required to be approved by both Council and the Planning Commission.

### **POLICY IMPLICATIONS**

None

### **FINANCIAL IMPLICATIONS**

None

### **STRATEGIC IMPLICATIONS**

None

### **VOTING REQUIREMENTS**

Simple Majority

**COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.3.1**

**MOVED: Cr Marshall**

**SECONDED: Cr Giles**

- 1 That Council resolve to adopt the revised subdivision guide plan (Ref No 1003BAR02) for Special Rural zone No 7 subject to the following modifications:
  - Altering the green colouring used for the “Existing Vegetation” and “Potential Drainage Revegetation Area” so as to have a clearer distinction.
  - Relocate Note 2 so that it is not under the heading of “Landscape Areas”.
  - Replace Note 2 to read as follows:  
*"Condition 6 of SRZ No 7 states that Intensive Agriculture is only permitted on the "vineyard lot" as was depicted on the original subdivision guide plan dated 11th March 2009. As the "vineyard lot" has now been deleted from the subdivision guide plan, no Intensive Agriculture is permitted in SRZ No 7."*
- 2 That revised subdivision guide plan be submitted to the Western Australian Planning Commission for approval.

**CARRIED 8/0**

**Res 236/10**

### 7.3.2 Subdivision Application (WAPC Ref 143085) Boyup Brook - Kojonup Road

<b>Location:</b>	<i>Lots 1991, 1982, 6055 and 6058 Boyup Brook - Kojonup Road</i>
<b>Applicant:</b>	<i>KJ Moir</i>
<b>File:</b>	<i>AS7970</i>
<b>Disclosure of Officer Interest:</b>	<i>Nil</i>
<b>Date:</b>	<i>8<sup>th</sup> November 2010</i>
<b>Author:</b>	<i>Geoffrey Lush (Council Consultant)</i>
<b>Authorizing Officer:</b>	<i>A Lamb</i>
<b>Attachments:</b>	<i>1 Location Plan 2 Existing lots 3 Subdivision Plan 4 Previous Applications</i>

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#### **SUMMARY**

This report is to consider a referral of a subdivision application from the Western Australian Planning Commission. The subject land comprises of Lots 1991, 1982, 6055 and 6058 Boyup Brook - Kojonup Road, Scotts Brook.

The application is for a boundary realignment transferring approximately 19 hectares of land from lot 1991 to lot 1982. No additional lots will be created.

The application is supported as it complies with the provisions of the Town Planning Scheme and Rural Strategy.

#### **BACKGROUND**

The subject land is located approximately 32 kms east of Boyup Brook on the Boyup Brook - Kojonup Road as shown in Attachment 1.

The subject land comprises of:

- Lot 1991 – 285 hectares;
- Lot 6055 – 3.88 hectares (old road reserve);
- Lot 6058 – 8.20 hectares (old road reserve); and
- Lot 1982 – 252 hectares.

The existing lots are shown in Attachment 2.

Lot 1982 is owned by PT & NS Reilly and Lot 1991 is owned by Pearson Nominees Pty Ltd. There are two existing dwellings on Lot 1982.

The application is to:-

1. Transfer 19ha from the north east corner of Location 1991 and amalgamate this with Location 1982; and
2. Incorporate the two closed road titles (Lots 6055 & 6058).

The proposed new lots are shown in Attachment 3 and will be 269 and 280 hectares respectively.

Council has previously considered other applications adjacent to the subject land. These are shown in Attachment 4 and comprise of:

- WAPC Ref 142598 – Lots 1986 and 1983 Wahkinup Road. This was a boundary realignment.
- In November 2008 Council approved the development of a feedlot on Lot 1983. This was for less than 500 head of cattle and is located on the southern boundary of Lot 1983.

### **CONSULTATION**

None

### **STATUTORY OBLIGATIONS**

#### Town Planning Scheme

The subject land is zoned 'Rural' in Town Planning Scheme No.2. The surrounding area is also generally zoned 'Rural'.

Clause 5.1 of the Scheme sets out the matters to be considered for a subdivision in the Rural zone.

#### Local Rural Strategy

Within the draft Local Rural Strategy the subject land is situated in the BBR3 Eastern Policy Area.

Recommendations 8 and 13 apply to boundary realignments.

### **COMMENT**

The land which is proposed to be transferred is isolated by a drainage line and so will become more accessible from Lot 1982. The proposed realignment does not rely upon the old road reserves for the land areas and no additional entitlements for dwellings will be created.

The proposal complies with the provisions of the Town Planning Scheme and Rural Strategy.

As the revised lots will have areas in excess of 80 hectares there is no objection to the application.

### **POLICY IMPLICATIONS**

None

### **BUDGET/FINANCIAL IMPLICATIONS**

None



**STRATEGIC IMPLICATIONS**

None

**VOTING REQUIREMENTS**

Simple Majority

**COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.3.2**

**MOVED: Cr Marshall**

**SECONDED: Cr Muncey**

**That Council advise the Western Australian Planning Commission that it supports the proposed boundary realignment of Lots 1991, 1982, 6055 and 6058 Boyup Brook - Kojonup Road Scotts Brook.**

**CARRIED 7/1**

**Res 237/10**

### 7.3.3 Subdivision Application (WAPC Ref 143001) Craigie Road Kulikup

<b>Location:</b>	<i>Lots 2 and 3 Craigie Road</i>
<b>Applicant:</b>	<i>Harley Global</i>
<b>File:</b>	<i>AS6200</i>
<b>Disclosure of Officer Interest:</b>	<i>Nil</i>
<b>Date:</b>	<i>8<sup>th</sup> November 2010</i>
<b>Author:</b>	<i>Geoffrey Lush (Council Consultant)</i>
<b>Authorizing Officer:</b>	<i>A Lamb</i>
<b>Attachments:</b>	<i>1 Location Plan 2 Existing lots 3 Subdivision Plan 4 Previous Applications</i>

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#### **SUMMARY**

This report is to consider a referral of a subdivision application from the Western Australian Planning Commission. The subject land comprises of Lots 2 and 3 Craigie Road Kulikup.

The application is for a boundary realignment and no additional lots will be created. Both lots will have a minimum lot size of 80 hectares.

The application is supported as it complies with the provisions of the Town Planning Scheme and Rural Strategy.

#### **BACKGROUND**

The subject land is located approximately 25 kms north east of Boyup Brook on the Craigie Road as shown in Attachment 1.

The subject land comprises of:

- Lot 2 – 150 hectares; and
- Lot 3 – 92 hectares.

The existing lots are shown in Attachment 2.

The land is owned by Paul Salvatore Torrisi and Simon Victor Torrisi.

The property was subject of Western Australian Planning Commission (WAPC) Approval No.135696. This approval lapsed on the 8<sup>th</sup> October 2010. This application seeks a similar based upon a revised plan.

A drainage line dissects the southwest corner of Lot 2 and the southern portion of Part Lot 3. This drainage line has a low point of approximately 210m AHD. The property has small patches of remnant vegetation located in the north western and north eastern corners.

The property currently contains a shed and stockyards.

Access to the property is from Craigie Road. This is a constructed gravel road. Lot 3 fronts Eulin Siding Road which is unconstructed.

The application is to move the boundary so that it has an east – west orientation as shown in Attachment 3.

**CONSULTATION**

None

**STATUTORY OBLIGATIONS**

Town Planning Scheme

The subject land is zoned 'Rural' in Town Planning Scheme No.2. The surrounding area is also generally zoned 'Rural'.

Clause 5.1 of the Scheme sets out the matters to be considered for a subdivision in the Rural zone.

Local Rural Strategy

Within the draft Local Rural Strategy the subject land is situated in the BBR3 Eastern Policy Area.

Recommendations 8 and 13 apply to boundary realignments.

**COMMENT**

The proposal will enable both lots to be developed without needing access from Eulin Siding Road. As there are no additional lots being created there will not be any additional traffic on Craigie Road.

The proposal complies with the provisions of the Town Planning Scheme and Rural Strategy and does not create any additional entitlements for dwellings.

As the revised lots will have areas in excess of 80 hectares there is no objection to the application.

**POLICY IMPLICATIONS**

None

**BUDGET/FINANCIAL IMPLICATIONS**

None

**STRATEGIC IMPLICATIONS**

None

**VOTING REQUIREMENTS**

Simple Majority

**COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.3.3**

**MOVED: Cr Downing**

**SECONDED: Cr Muncey**

**That Council advise the Western Australian Planning Commission that it supports the proposed boundary realignment of Lots 2 and 3 Craigie Road Kulikup.**

**CARRIED 8/0**

**Res 238/10**

**7.3.4 Lot 2 Six Mile Road Dinninup**

<b>Location:</b>	<i>Lot 2 Six Mile Road Dinninup</i>
<b>Applicant:</b>	<i>P &amp; J Price</i>
<b>File:</b>	<i>AS13153</i>
<b>Disclosure of Officer Interest:</b>	<i>Nil</i>
<b>Date:</b>	<i>8<sup>th</sup> November 2010</i>
<b>Author:</b>	<i>Geoffrey Lush (Council's Consultant Planner)</i>
<b>Authorizing Officer:</b>	<i>A Lamb CEO</i>
<b>Attachments:</b>	<i>1 – Location Plan</i>

**SUMMARY**

An application has been lodged with Council to develop a dwelling and outbuilding on the above property. Due to the size of the property the applicant has requested that Council approve a reduction in the boundary setbacks.

The application is supported.

**BACKGROUND**

The subject land is Lot 2 Six Mile Road. It has an area of 2,478 square metres and is located near to the intersection of Six Mile Road and Boyup Brook – Arthur Road Dinninup (see Attachment 1).

The application and site plan are contained as Attachment 2.

It is proposed to construct a dwelling with an area of 266 sqm and a shed with an area of 57 sqm.

The dwelling will be setback 22m from the front boundary and 9m from the side boundaries (north and southern boundaries).

The shed will be setback 4m from the side (southern) boundary and 6.5m from the rear (eastern) boundary.

The adjoining Lot 1 has already been developed for residential purposes.

**COMMENT**

The subject land is an anomaly in the Rural zone due to its size. As it is located in proximity to the Dinninup townsite it is not unreasonable to expect it to be developed for residential purposes.

There is no objection to the proposed setbacks which are consistent to those which would apply to a similar sized lot in the Residential or Urban zone. While the materials to be used for the shed have not been documented Council can elect to require this to be painted or to have screen planting along the side boundaries.

One concern is whether the shed will be built before the dwelling and if so does Policy P.04 Outbuildings apply. The applicant has now submitted detailed building plans for the dwelling.

It is understood that Council has interpreted the term "residential lot" in Policy P.04 Outbuildings as meaning a lot in the Residential zone. It is also understood that Council has not applied this Policy to the Urban zoned parts of the Dinninup townsite.

### **CONSULTATION**

The application has been advertised to the adjoining landowners and no objections have been received.

### **STATUTORY ENVIRONMENT**

The subject land is zoned Rural under Town Planning Scheme No 2.

Clause 5.2.5 of the Scheme states that no building development shall be located within 10 metres of any boundary of a lot in the Rural Zone.

Clause 3.6.1 of the Scheme allows Council to relax these setbacks where Council is satisfied that:

- i) approval of the proposed development would be consistent with the orderly and proper planning of the district and the preservation of the amenity of the district.
- ii) the non-compliance will not have any adverse effect upon the occupiers or users of the development or the general population of the district, and
- iii) the spirit and purpose of the standard or requirement will not be unreasonably departed from.

### **POLICY IMPLICATIONS**

Policy P.04 Outbuildings potentially applies to the application. This states that no outbuilding shall be approved for the construction on a residential lot unless:-

1. there is an existing Class 1 residential dwelling constructed on the lot; or
2. the outbuilding application is concurrent with the Class 1 residential building application.

### **FINANCIAL IMPLICATIONS**

None

**STRATEGIC IMPLICATIONS**

None

**VOTING REQUIREMENTS**

Simple Majority

**COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.3.4**

**MOVED: Cr Oversby**

**SECONDED: Cr Muncey**

**That Council approve the use and development of Lot 2 D11604 Six Mile Road Dinninup for the purpose of a dwelling and outbuilding subject to the following conditions:**

- 1. The development hereby approved shall occur in accordance with the application submitted to Council and this shall not be altered or modified without the prior written approval of the Council.**
- 2. The dwelling shall be provided with an appropriate water supply to the requirements and satisfaction of Council. This shall be underground bore; a rainwater storage tank with a minimum capacity of 92,000 litres; or other such measures as approved by Council.**
- 3. The site shall be ordered and maintained as not to prejudicially affect the amenity of the locality by reason of appearance.**
- 4. This approval shall expire if the development hereby permitted is not completed within two years of the date hereof, or within any extension of that time which, upon written application (made before or within 21 days after the expiry of the approval) to the Council, is granted by it in writing.**

**CARRIED 8/0**

**Res 239/10**

### 7.3.5 Second Dwelling

<b>Location:</b>	<i>Lot 101 McAlinden Road</i>
<b>Applicant:</b>	<i>M &amp; A Wood</i>
<b>File:</b>	<i>AS15001</i>
<b>Disclosure of Officer Interest:</b>	<i>Nil</i>
<b>Date:</b>	<i>8<sup>th</sup> November 2010</i>
<b>Author:</b>	<i>Geoffrey Lush (Council's Consultant Planner)</i>
<b>Authorizing Officer:</b>	<i>A Lamb - Chief Executive Officer</i>
<b>Attachments:</b>	<i>1 – Location Plan 2 – Site Plan</i>

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#### **SUMMARY**

An application has been lodged with Council to develop a second dwelling on the above property. It is proposed that the existing dwelling will be removed once the new dwelling is completed.

The application is supported is subject to conditions.

#### **BACKGROUND**

The subject land is Lot 2 101 McAlinden Road. It is located on the north western corner of McAlinden and Collie South Roads (see Attachment 1). The site has an area of 8.4 hectares.

There is an existing “transportable” dwelling, shed and dam on the property. The subject land backs onto the Collie River.

The application is to construct a new residence of 360 sqm in size while being able to reside in the existing dwelling. The proposed residence will be setback 15m from McAlinden Road and 35m from Collie South Road as shown in Attachment 2.

#### **COMMENT**

Normally the development of a single dwelling does not require Council's approval in the Rural zone. While there is a presumption against having two permanent dwellings the proposal to use one dwelling while the other is constructed is preferable to the owners seeking to live in the shed.

The issue becomes one of the length of time which might be required to complete the dwelling and then the time required to remove the existing building.

#### **CONSULTATION**

None

**STATUTORY ENVIRONMENT**

The subject land is zoned Rural under Town Planning Scheme No 2.

**POLICY IMPLICATIONS**

None apart from setting of a possible precedent.

**FINANCIAL IMPLICATIONS**

None

**STRATEGIC IMPLICATIONS**

None

**VOTING REQUIREMENTS**

Simple Majority

**COUNCIL MOVED INTO COMMITTEE**

**MOVED: Cr Giles**

**SECONDED: Cr Oversby**

**That the Council move into a committee of the whole under clause 15.6 of the Standing Orders, Local Law No.1 to allow members free discussion on the matter.**

**CARRIED 8/0**

**Res 240/10**

**COUNCIL MOVED OUT OF COMMITTEE**

**MOVED: Cr Oversby**

**SECONDED: Cr O'Hare**

**That the Council moves out of committee of the whole under clause 15.6 of the Standing Orders, Local Law No.1.**

**CARRIED 8/0**

**Res 241/10**



**OFFICER RECOMMENDATION – ITEM 7.3.5**

**That Council approve the use and development of Lot 110 McAlinden Road for the purpose of a dwelling subject to the following conditions:**

- 1. The development hereby approved shall occur in accordance with the application submitted to Council and this shall not be altered or modified without the prior written approval of the Council.**
- 2. The dwelling shall be provided with an appropriate water supply to the requirements and satisfaction of Council. This shall be underground bore; a rainwater storage tank with a minimum capacity of 92,000 litres; or other such measures as approved by Council.**
- 3. The site shall be so ordered and maintained as not to prejudicially affect the amenity of the locality by reason of appearance.**
- 4. Within two years of the date hereof or within six months of the dwelling being completed to a habitable stage (whichever occurs first) the existing “transportable dwelling” shall be removed from the site to the satisfaction of Council.**
- 5. This approval shall expire if the development hereby permitted is not completed within two years of the date hereof, or within any extension of that time which, upon written application (made before or within 21 days after the expiry of the approval) to the Council, is granted by it in writing.**

**MOTION**

**MOVED: Cr Marshall**

**SECONDED: Cr Biddle**

**That Council approve the use and development of Lot 110 McAlinden Road for the purpose of a dwelling subject to the following conditions:**

- 1. The development hereby approved shall occur in accordance with the application submitted to Council and this shall not be altered or modified without the prior written approval of the Council.**
- 2. The dwelling shall be provided with an appropriate water supply to the requirements and satisfaction of Council. This shall be underground bore; a rainwater storage tank with a minimum capacity of 92,000 litres; or other such measures as approved by Council.**
- 3. The site shall be so ordered and maintained as not to prejudicially affect the amenity of the locality by reason of appearance.**
- 4. Within two years of the date hereof or within six months of the dwelling being completed to a habitable stage (whichever occurs first) the existing “transportable dwelling” shall be removed from the site to the satisfaction of Council.**
- 5. This approval shall expire if the development hereby permitted is not completed within two years of the date hereof, or within any extension of that time which, upon written application (made before or within 21 days after the expiry of the approval) to the Council, is granted by it in writing.**

**AMENDMENT**

**MOVED: Cr Downing**

**SECONDED: Cr Oversby**

**That the following be added:**

6. A refundable bond of \$5,000 to be lodged with the Boyup Brook Shire Council and will be forfeited if the existing transportable dwelling is not removed in accordance with conditions of approval.

**CARRIED 7/1**

**Res 242/10**

**COUNCIL DECISION – ITEM 7.3.5**

**MOVED: Cr Marshall**

**SECONDED: Cr Biddle**

1. The development hereby approved shall occur in accordance with the application submitted to Council and this shall not be altered or modified without the prior written approval of the Council.
2. The dwelling shall be provided with an appropriate water supply to the requirements and satisfaction of Council. This shall be underground bore; a rainwater storage tank with a minimum capacity of 92,000 litres; or other such measures as approved by Council.
3. The site shall be so ordered and maintained as not to prejudicially affect the amenity of the locality by reason of appearance.
4. Within two years of the date hereof or within six months of the dwelling being completed to a habitable stage (whichever occurs first) the existing “transportable dwelling” shall be removed from the site to the satisfaction of Council.
5. This approval shall expire if the development hereby permitted is not completed within two years of the date hereof, or within any extension of that time which, upon written application (made before or within 21 days after the expiry of the approval) to the Council, is granted by it in writing.
6. A refundable bond of \$5,000 to be lodged with the Boyup Brook Shire Council and will be forfeited if the existing transportable dwelling is not removed in accordance with conditions of approval.

**CARRIED 8/0**

**Res 243/10**

**7.3.6 State Forest 29 – Proposal for Two New Dedicated Roads**

<b>Location:</b>	State Forrest 29
<b>Applicant:</b>	State Land Services
<b>File:</b>	AS3210
<b>Disclosure of Officer Interest:</b>	None
<b>Date:</b>	10 November 2010
<b>Author:</b>	Alan Lamb – Chief Executive Officer
<b>Authorizing Officer:</b>	Not applicable
<b>Attachments:</b>	letter and maps from State Lands

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**SUMMARY**

State Land Services seeks Council's comments or objections to an application for two new dedicated roads to be created in the State Forest and the recommendation is that Council opposes the proposal.

**BACKGROUND**

State Land Services has received a request to have two tracks in State Forrest 29 dedicated as public roads.

There are a number of terms used to describe tracks and roads and so for clarity, dedicated public roads is the correct name for what is often termed gazetted roads (the term gazetted appears to have come from the process to gazette – i.e. an entry in the Government Gazette - which is the last step of the dedication process).

As will be seen from supplied plans, the proposed new roads would provide additional access to Nelson Locations 10833 and 11287. Both lots already have dedicated road access and so are not land locked.

The tracks are not constructed to any standard. Council's Road Contribution Policy sets the following standard of construction:

*The minimum standard of road construction in a rural area is a six (6) metre formed gravel surface with roadside drains.*

The process to have a portion of state forest land resumed and for the land then to be dedicated as a public road is, according to State Land Services, likely to take in the order of 2 years to complete with the bulk of this time being consumed by the resumption process which would involve the matter being dealt with in Parliament.

State Land Services has advised that there is no opportunity for Council to support the proposed dedication subject to conditions (i.e. such as the proponent meeting the cost of road construction).

## **COMMENT**

As will be noted from the plans supplied by State Land Services, both lots that would be serviced by the new roads already have dedicated road access. Location 11287 abuts a constructed dedicated road. Location 2323 abuts an unconstructed dedicated road.

Access tracks have been established to both locations through the State Forrest in preference to using the dedicated road options available. It appears that Council had maintained both tracks, in error and without authority, until recently when the anomaly was discovered as part of the asset management process. Neither track is on Council's road inventory and they are not the responsibility of Council. The tracks run through State Forrest and so the Department of Environment and Conservation (DEC) is responsible for the maintenance of these tracks (in the same way that Council is responsible for tracks on Reserves it manages).

It is understood that neither track has been surveyed. It is possible that alignment of the tracks would not meet standards and if so realignments may be necessary. It is anticipated that Council would want to have the tracks brought up to at least a minimum standard which would entail a clearing width of between 9 and 10 metres plus clearing associated with any realignments. It is understood that DEC would have difficulty with significant clearing and so may oppose the proposal. No road construction cost estimates have been done but the clearing process would entail permits and offset proposals which, given the amount of vegetation involved could make the cost higher than for a standard road construction in a less wooded area.

It is noted that the proponent had asked Council to stop maintaining the track to Location 2323 to limit access to his property but recently wanted the maintenance to be resumed.

Council is aware of the position with these two tracks, and others, from previous reports and may recollect that it had been noted that the proponent had the options of making use of the existing dedicated road access options or entering into an arrangement with DEC over the use of the tracks, their maintenance etc. It is apparent that the proponent seeks a more permanent arrangement regarding the tracks (i.e. dedication).

If the proponent had a planning application before Council and the dedicated road access needed to be constructed Council's Road Contribution Policy would require construction to a standard and a possible 50% contribution by the proponent toward the cost of construction. Whilst not covered by a policy, Council has made it a practice, as have other Councils, of requiring the property owner to pay for the construction of unconstructed dedicated roads where the owner seeks to use the access.

The proponent has as an option of having the additional road access created off the constructed road that abuts Location 11287 and asking Council to construct (at the proponent's cost - i.e. all or in part with Council meeting the costs associated with what it may see as the benefit to the community of the construction if any) a road on the dedicated road access to Location 2323. These options and the option of the proponent entering into an agreement with DEC over access via the tracks and the maintenance of them will result in a cost to the proponent. The proposed two new dedicated roads will result in a cost to Council for construction (now or in the future) and maintenance. The maintenance would be partially offset by the expanded road inventory and the impact this has on the annual FAGs grant.

The two tracks have been used over a number of years and have become the preferred access option and Council has contributed to this by maintaining them over a number of

years. However the current access issues have existed for many years and so it could be argued that the owner purchased the land with these issues and should have been aware of the position in relation to access through the State Forest.

It is recommended that Council oppose the proposed dedication of tracks through State Forrest 29 on the grounds that the Locations to be serviced by them are not land locked and the property owner has other options.

### **CONSULTATION**

The author has spoken with DEC and State Land Services officers and Council staff.

### **STATUTORY OBLIGATIONS**

Council's Road Contribution Policy

### **POLICY IMPLICATIONS**

Nil

### **BUDGET/FINANCIAL IMPLICATIONS**

Nil at this time. Future budget will be impacted if the tracks become dedicated roads under Council's control.

### **STRATEGIC IMPLICATIONS**

Nil

### **SUSTAINABILITY IMPLICATIONS**

- **Environmental**  
There are no known significant environmental issues.
- **Economic**  
There are no known significant economic issues.
- **Social**  
There are no known significant social issues.

### **VOTING REQUIREMENTS**

Simple Majority

### **COUNCIL MOVED INTO COMMITTEE**

**MOVED: Cr Marshall**

**SECONDED: Cr Giles**

**That the Council move into a committee of the whole under clause 15.6 of the Standing Orders, Local Law No.1 to allow members free discussion on the matter.**

**CARRIED 8/0**

**Res 244/10**

4.39pm – Cr Muncey left the Chambers

4.41pm – Cr Muncey returned to the Chambers

**COUNCIL MOVED OUT OF COMMITTEE**

**MOVED: Cr Giles**

**SECONDED: Cr Oversby**

That the Council moves out of committee of the whole under clause 15.6 of the Standing Orders, Local Law No.1.

**CARRIED 8/0**

**Res 245/10**

**COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.3.6**

**MOVED: Cr Giles**

**SECONDED: Cr Downing**

That Council instruct the Chief Executive Officer to write to State Land Services opposing the proposal to have tracks through State Forrest 29 dedicated as public roads noting that the lots are not land locked and the property owner has other options.

**CARRIED 7/1**

**Res 246/10**

**7.3.7 Annual Awards Committee/Annual Awards Process Policy**

<b>Location:</b>	N/A
<b>Applicant:</b>	N/A
<b>File:</b>	
<b>Disclosure of Officer Interest:</b>	None
<b>Date:</b>	9 November 2010
<b>Author:</b>	Alan Lamb-Chief Executive Officer
<b>Authorizing Officer:</b>	Not applicable
<b>Attachments:</b>	Nil

**SUMMARY**

The purpose of this report is to recommend that Council appoint another Councillor to sit on this committee and for Council to adopt an amendment to its policy on this matter.

**BACKGROUND**

Council appointed the Annual Awards Committee at its special meeting held 22 November 2009 and the resolution was as follows:

***That Cr Lamshed, Cr Oversby, Cr Biddle and Cr Ginnane be appointed to Council's Annual Awards Committee to determine the Citizen of the Year, Young Achiever of the Year and Sports Person of the Year.***

Cr Lamshed resigned as a Councillor in November 2009.

The Committee met 14 December 2009 and Cr Biddle was elected to the position of Presiding Member.

## **COMMENT**

Council has made a practice of appointing committees every two years just after the Local Government elections. Whilst the Council resolution that set this committee up did not specify the term, it is assumed that the committee will operate until the 2011 elections have been completed and Council meets again to decide on committees and delegates.

With the resignation of Cr Lamshed the committee was reduced to three members. Council's policy provides for a selection panel to determine the recipients of awards and that the "selection panel shall comprise of four (4) Councillors and Chief Executive Officer". Council had in practice modified the selection panel by making it a Committee of Council and not including the CEO. It is suggested that as a power or duty is being delegated by Council it is more appropriate to delegate this to a committee (the Local Government Act provides for such delegations to committees and the CEO but not to other entities and whilst it may be argued that the selection is a committee it might be better to reword the policy to save any confusion). It is recommended that the policy be amended to align with Council's decision.

Council may wish to leave the committee membership at three and if so it is recommended that the policy be amended accordingly.

Council may wish to appoint another Councillor, or other person, to sit on this committee and the recommendation below aligns with this option. It will also be noted that a term of appointment is included. Local Government elections are usually held on the third Saturday in October (the Electoral Commissioner can vary the day if needed to the second or fourth Saturday) every two years and so the Election Day for 2011 is expected to be 15 October. If so then Council would be able to hold a special meeting to appoint committees etc in the following week or deal with this at the ordinary meeting scheduled for 20 October. Based on this, it is reasonable to set the term of office to end Monday 17 October 2011.

It will be noted that the recommendation also includes amendments to the policy to bring it in line with current practices.

Council may wish to take this opportunity to pick up on Cr Biddle's suggested change to the Young Achiever of the Year category and add a Young Sports Person of the Year Award. Also to review the value of the gift (currently set to a maximum of \$100).

## **CONSULTATION**

Nil

## **STATUTORY OBLIGATIONS**

The Local Government Act provides for the delegation of powers and duties to committees as follows:

### **5.16. Delegation of some powers and duties to certain committees**

- (1) *Under and subject to section 5.17, a local government may delegate\* to a committee any of its powers and duties other than this power of delegation.*

*\* Absolute majority required.*

- (2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*
- (3) *Without limiting the application of sections 58 and 59 of the Interpretation Act 1984 —*
  - (a) *a delegation made under this section has effect for the period of time specified in the delegation or if no period has been specified, indefinitely; and*
  - (b) *any decision to amend or revoke a delegation under this section is to be by an absolute majority.*
- (4) *Nothing in this section is to be read as preventing a local government from performing any of its functions by acting through another person.*

**5.17. Limits on delegation of powers and duties to certain committees**

- (1) *A local government can delegate —*
  - (a) *to a committee comprising council members only, any of the council’s powers or duties under this Act except —*
    - (i) *any power or duty that requires a decision of an absolute majority or a 75% majority of the local government; and*
    - (ii) *any other power or duty that is prescribed;*
  - (b) *to a committee comprising council members and employees, any of the local government’s powers or duties that can be delegated to the CEO under Division 4; and*
  - (c) *to a committee referred to in section 5.9(2)(c), (d) or (e), any of the local government’s powers or duties that are necessary or convenient for the proper management of —*
    - (i) *the local government’s property; or*
    - (ii) *an event in which the local government is involved.*
- (2) *A local government cannot delegate any of its powers or duties to a committee referred to in section 5.9(2)(f).*

*[Section 5.17 amended by No. 49 of 2004 s. 16(2).]*

**5.18. Register of delegations to committees**

A local government is to keep a register of the delegations made under this Division and review the delegations at least once every financial year.

**POLICY IMPLICATIONS**

Council’s Award Process Policy has application and is as follows:

<b>POLICY NO.</b>	O.11
<b>POLICY SUBJECT</b>	Annual Award - Process
<b>ADOPTION DATE</b>	17 June 2004
<b>VARIATION DATE</b>	21 December 2007

**Objective**

*To determine guidelines for awarding distinguished performance and/or positive contributions to the community by residents.*



**Statement**

The Shire will invite nominations marked confidential for the following Awards annually:-

- Citizen of the Year
- Young Achiever of the Year
- Sports Person of the Year

The selection panel shall comprise of four (4) Councillors and Chief Executive Officer. The following selection criteria shall be used by the selection panel to determine the most suitable nominee:-

**Citizen of the Year**

- a resident who has achieved the most distinguished performance and/or made the most positive contribution to the community, during the preceding year
- a resident who has achieved and/or contributed to the community consistently over a period of years.

**Young Achiever of the Year**

- a resident no older than 25 years of age on 26 January, who has achieved the most distinguished performance and/or made the most positive contribution to the community, during the preceding year
- a resident no older than 25 years of age on 26 January who has achieved and/or contributed to the community consistently over a period of years.

**Sports Person of the Year**

- a resident which/who has achieved the most distinguished performance during the year. Performance may include active participation, coaching, promotion and/or leadership and sportsmanship
- resident which/who has achieved the most distinguished performance during the year. Performance may include active participation, coaching, promotion and/or leadership and sportsmanship consistently over a period of years.

**General**

The successful nominee(s), if any, shall be announced and presented with a certificate and appropriate gift with a value of no more than \$100, at the Australia Day Breakfast function hosted annually by the Shire.

Nominations must be made by 4.00pm on the last Friday of November of each year.

**BUDGET/FINANCIAL IMPLICATIONS**

Nil. Provision has been made in the budget for awards.

**STRATEGIC IMPLICATIONS**

Nil

**SUSTAINABILITY IMPLICATIONS**

- **Environmental**  
There are no known significant environmental issues.
- **Economic**  
There are no known significant economic issues.
- **Social**  
There are no known significant social issues.

**VOTING REQUIREMENTS**

Absolute majority

**OFFICER RECOMMENDATION – ITEM 7.3.7**

That Council

1. appoint Cr \_\_\_\_\_ to the Annual Awards Committee for a term ending Monday 17 October 2011.
2. amend the Annual Awards Policy to read as follows:

<b><i>POLICY NO.</i></b>	O.11
<b><i>POLICY SUBJECT</i></b>	Annual Award - Process
<b><i>ADOPTION DATE</i></b>	17 June 2004
<b><i>VARIATION DATE</i></b>	21 December 2007
<b><i>VARIATION DATE</i></b>	18 November 2010
<b><i>REVIEW</i></b>	Next review due November 2013

**Objective**

*To determine guidelines for awarding distinguished performance and/or positive contributions to the community by residents.*

**Statement**

*The Shire will invite nominations marked confidential for the following Awards annually:-*

- *Citizen of the Year*
- *Young Achiever of the Year*
- *Sports Person of the Year*

*The selection panel shall be a committee of Council named the Annual Awards Committee. The Annual Awards Committee shall comprise of four (4) Councillors. The following selection criteria shall be used by the selection panel to determine the most suitable nominee:-*

**Citizen of the Year**

- *a resident who has achieved the most distinguished performance and/or made the most positive contribution to the community, during the preceding year*
- *a resident who has achieved and/or contributed to the community consistently over a period of years.*

**Young Achiever of the Year**

- a resident no older than 25 years of age on 26 January, who has achieved the most distinguished performance and/or made the most positive contribution to the community, during the preceding year
- a resident no older than 25 years of age on 26 January who has achieved and/or contributed to the community consistently over a period of years.

**Sports Person of the Year**

- a resident which/who has achieved the most distinguished performance during the year. Performance may include active participation, coaching, promotion and/or leadership and sportsmanship
- resident which/who has achieved the most distinguished performance during the year. Performance may include active participation, coaching, promotion and/or leadership and sportsmanship consistently over a period of years.

**General**

The successful nominee(s), if any, shall be announced and presented with a certificate and appropriate gift with a value of no more than \$100, at the Australia Day Breakfast function hosted annually by the Shire.

Nominations must be made by 4.00pm on the last Friday of November of each year.

**COUNCIL DECISION – ITEM 7.3.7**

**MOVED: Cr Giles**

**SECONDED: Cr Oversby**

**That Council**

1. **appoint Cr Muncey to the Annual Awards Committee for a term ending Monday 17 October 2011.**

**CARRIED 8/0**

**Res 247/10**

**NOTE**

**Council did not deal with the policy amendment at this time noting this would be done at a later date.**

### 7.3.8 Upgrade of Town Hall Kitchen

<b>Location:</b>	<i>Shire of Boyup Brook</i>
<b>Applicant:</b>	<i>N/A</i>
<b>File:</b>	<i>CP/35/001</i>
<b>Disclosure of Interest:</b>	<i>None</i>
<b>Date:</b>	<i>4 November 2011</i>
<b>Author:</b>	<i>Geoff Carberry - Senior Administration Officer</i>
<b>Authorizing Officer:</b>	<i>Alan Lamb – Chief Executive Officer</i>
<b>Appendices:</b>	<i>Nil</i>

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#### **SUMMARY**

Due to the increased enforcement of the Food Act it is necessary to upgrade the stoves in the kitchen of the Town Hall. It is envisaged that the current large gas stove and the electric stove be replaced with three 900mm combination units (gas burners and electric oven). It has also been recommended that a freezer be provided for catering purposes.

#### **BACKGROUND**

The kitchen was inspected by the Health Officer along with the Senior Administration officer prior to budget considerations taking place. A number of improvements were highlighted so as to bring the kitchen closer to the required standard. Works totalling twelve thousand dollars (\$12,000) were approved within the 2010/2011 budget. Further works had been programmed for the 2011/2012 financial year. Since that time increased enforcement of the Food Act 2008, in particular home catering, has created the need for a suitable venue where these activities can be carried out. In the October Council meeting Council resolved to an amended schedule of fees for this purpose to encourage groups to use the kitchen.

#### **COMMENT**

Inspection of the current stoves has revealed their condition is degrading at a greater rate than first thought, exposing some safety concerns.

The gas stove is now twenty seven years old and replacement or reproduced parts cannot be sourced. One burner has failed and one oven starter has failed, also regulation of oven temperature is an issue for users. Two elements of the electric stove have recently failed with the age of the unit making repairs uneconomical.

The stove recess will allow for the installation of three 900mm stainless steel stoves. As many users have previously expressed their apprehensions about using gas ovens, these units will have gas burners and electric ovens giving a greater capacity than the current units. Costs of the units are two thousand seven hundred dollars including installation. A freezer has also been recommended by the Health Officer to assist in ensuring food integrity. The cost would be a further two hundred and fifty dollars (\$250). Should this work be approved the kitchen will not require further works excepting normal maintenance for a number of years.

**CONSULTATION**

Darren Peck - BBG Plumbing & Gas Service  
Wayne Jolley - Shire of Boyup brook Health officer  
Derek Lloyd - Agrilec - Electrician  
Various community groups

**STATUTORY ENVIRONMENT**

*Food Act 2008*  
*Food Regulations 2009*  
*Food Safety Standards – 3.1.1, 3.2.2, and 3.2.3*

**FINANCIAL IMPLICATIONS**

No provision has been made in the 2010/2011 Shire of Boyup Brook budget for this item therefore the expenditure of additional funds up to the value of eight thousand dollars (\$8,350) will be required to be approved. This could be achieved by the reduction in the amount set aside for the reserve currently being twenty eight thousand nine hundred and fourteen dollars (\$28,914).

**STRATEGIC IMPLICATIONS**

None

**VOTING REQUIREMENTS**

Absolute Majority is required

**COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.3.8**

**MOVED: Cr Biddle**

**SECONDED: Cr Giles**

**That**

- 1 the 2010/2011 budget be amended by increasing the provision for operating and capital expenditure at the Town Hall by \$8,350;**
- 2 the budgeted \$28,433 transfer to Town Hall Reserve be reduced by \$8,350 and;**
- 3 Council approve the required works for the provision of three (3) 900mm combination cookers and the purchase of one (1) freezer.**

**CARRIED BY ABSOLUTE MAJORITY 8/0**

**Res 248/10**

### 7.3.9 Upgrade of 5 Rogers Avenue

<b>Location:</b>	Shire of Boyup Brook
<b>Applicant:</b>	N/A
<b>File:</b>	
<b>Disclosure of Interest:</b>	None
<b>Date:</b>	3 November 2011
<b>Author:</b>	Geoff Carberry Senior Administration Officer
<b>Authorizing Officer:</b>	Alan Lamb – Chief Executive Officer
<b>Appendices:</b>	Nil

#### **SUMMARY**

Tenant has requested the provision of a bath due to having young children. The works will improve the liveability of the premises for the current occupier.

#### **BACKGROUND**

Prior to the presentation and endorsement of the 2010/2011 budget the premise was inspected in consultation with the tenant. No suggestion of requiring a bath was made. Subsequently the tenant has requested that a bath be provided. BBG Plumbing have attended the premise and provided a quote to carry out the fitting of a bath.

#### **COMMENT**

The works will involve conversion of the shower area to a shower over bath configuration. This will require the redirection of the existing plumbing to suit the new configuration. The quote to supply and fit the bath totals one thousand eight hundred and fifteen dollars including GST (\$1,815). Up to a further one thousand dollars (\$1000) will be required to reinstate the tiling in the area. This amount will be dependant on how much is removed when redirecting the existing plumbing as all existing plumbing is currently concealed.

#### **CONSULTATION**

Darren Peck - BBG Plumbing & Gas Service  
Calvin Brown – Shire of Boyup brook –Buildings maintenance

#### **STATUTORY ENVIRONMENT**

Building Code of Australia.

#### **FINANCIAL IMPLICATIONS**

No provision has been made in the 2010/2011 Shire of Boyup Brook budget for this item therefore the expenditure of additional funds up to the value of two thousand eight hundred and fifteen dollars (\$2800) will be required to be approved.

#### **STRATEGIC IMPLICATIONS**

None

**VOTING REQUIREMENTS**

Absolute Majority is required

**COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.3.9**

**MOVED: Cr Giles**

**SECONDED: Cr Downing**

**That the 2010/2011 budget be amended by increasing the provision for operating costs (E076005) for the Council property at 5 Rogers Avenue by \$2,815 and that Council approve the required works for the provision of a bath.**

**CARRIED BY ABSOLUTE MAJORITY 6/2**

**Res 249/10**

### 7.3.10 Council Meeting Dates for 2011

<b>Location:</b>	<i>Shire of Boyup Brook</i>
<b>Applicant:</b>	<i>Not Applicable</i>
<b>File:</b>	<i>N/A</i>
<b>Disclosure of Officer Interest:</b>	<i>none</i>
<b>Date:</b>	<i>9 November 2010</i>
<b>Author:</b>	<i>Alan Lamb – Chief Executive Officer</i>
<b>Authorizing Officer:</b>	<i>N/A</i>
<b>Attachments:</b>	<i>Nil</i>

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#### **SUMMARY**

The purpose of this report is to put before Council proposed meeting times and dates for the Ordinary Council meetings for the 2011 year.

#### **BACKGROUND**

At the Chief Executive Officer's review last year it was recommended that regular Council briefing sessions be conducted before Ordinary Council Meetings.

#### **COMMENT**

Nil

#### **CONSULTATION**

Nil

#### **STATUTORY OBLIGATIONS**

The following sections of the Local Government Act have relevance:

##### **5.3. Ordinary and Special Council Meetings**

- 1) A council is to hold ordinary meetings and may hold special meetings.
- 2) Ordinary meetings are to be held not more than 3 months apart.
- 3) If a council fails to meet as required by subsection (2) the Chief Executive Officer is to notify the Minister of that failure.

##### **5.4. Calling Council Meetings**

An ordinary or a special meeting of a council is to be held –

- (a) if called for by either-
  - (i) the mayor or president; or
  - (ii) at least 1/3 of the councillors;in a notice to the Chief Executive Officer setting out the date and purpose of the proposed meeting; or



- (b) if so decided by the council

### **5.5. Convening Council Meetings**

- (1) The Chief Executive Officer is to convene an ordinary meeting by giving each Council member at least 72 hours' notice of the date, time and place of the meeting and an agenda for the meeting.
- (2) The Chief Executive Officer is to convene a special meeting by giving each Council member notice, before the meeting, of the date, time, place and purpose of the meeting.

The Local Government (Administration) Regulations provide:

### **12. Public notice of Council or Committee Meetings – s. 5.25(1)(g)**

- (1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which –
  - (a) the ordinary council meetings; and
  - (b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public,are to be held in the next 12 months.
- (2) A local government is to give local public notice of any change to the date, time or place of a meeting referred to in subregulation (1).
- (3) Subject to subregulation (4), if a special meeting of a council is to be open to members of the public then the local government is to give local public notice of the date, time, place and purpose of the special meeting.
- (4) If a special meeting of a council is to be open to members of the public but, in the Chief Executive Officer's opinion, it is not practicable to give local public notice of the matters referred to in subregulation (3), then the local government is to give public notice of the date, time, place and purpose of the special meeting in the manner and to the extent that, in the Chief Executive Officer's opinion, is practicable.

The Local Government Act provides that local public notice is as follows;

### **1.7. Local Public Notice**

- (1) Where under this Act local public notice of a matter is required to be given, a notice of the matter is to be –
  - (a) published in a newspaper circulating generally throughout the district;
  - (b) exhibited to the public on a notice board at the local government's offices; and

- (c) exhibited to the public on a notice board at every local government library in the district.
- (2) Unless expressly stated otherwise it is sufficient if the notice is –
  - (a) published under subsection (1) (a) on at least once occasion; and
  - (b) exhibited under subsection (1) (b) and (c) for a reasonable time, being not less than –
    - (i) the time prescribed for the purpose of this paragraph; or
    - (ii) if no time is prescribed, 7 days.

### **POLICY IMPLICATIONS**

Council Policy

### **BUDGET/FINANCIAL IMPLICATIONS**

Nil

### **STRATEGIC IMPLICATIONS**

Nil

### **SUSTAINABILITY IMPLICATIONS**

- **Environmental**  
There are no known environmental issues at this stage.
- **Economic**  
There are no known economic issues at this stage.
- **Social**  
There are no known social issues at this stage.

### **VOTING REQUIREMENTS**

Simple Majority

**COUNCIL DECISION & OFFICER RECOMMENDATION – 7.3.10**

**MOVED: Cr Downing**

**SECONDED: Cr Muncey**

**That the following meeting dates and times apply for the 2011 year:**

**Council Meeting Dates 2011  
Held at 3.30pm in the Boyup Brook Chambers**

**17 February 2011  
17 March 2011  
21 April 2011  
19 May 2011  
16 June 2011  
21 July 2011**

**18 August 2011  
15 September 2011  
20 October 2011  
17 November 2011  
15 December 2011**

**CARRIED 8/0**

**Res 250/10**

**7.3.11 Asset Management Planning – Shire Assets on FESA Reserve**

**Location:** *Crown Reserve 24011*  
**Applicant:** *FESA*  
**File:** *EM/31/001*  
**Disclosure of Officer Interest:** *None*  
**Date:** *10 November 2010*  
**Author:** *Alan Lamb – Chief Executive Officer*  
**Authorizing Officer:** *Not applicable*  
**Attachments:** *Copy of draft MOU*

**SUMMARY**

Attached is a copy of a draft Memorandum of Understanding (MOU) over Council assets on the FESA Reserve.

**BACKGROUND**

As part of the asset management exercise it was noted that Council had a shed and generator located on the FESA managed Reserve and that there was no agreement in place that established Council's ownership of these assets. The CEO wrote to FESA seeking to establish Council ownership and FESA had the attached MOU drawn up.

**COMMENT**

It is suggested that the MOU establishes that the Shire provided that shed and generator, allows Shire access to the Reserve to access these assets, sets out that the Shire is responsible for insurance, maintenance etc. It therefore covers all foreseen aspects and so it is recommended that Council approve of the CEO signing the MOU.

**CONSULTATION**

The Author has spoken with FESA officers

**STATUTORY OBLIGATIONS**

Nil

**POLICY IMPLICATIONS**

Nil

**BUDGET/FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**SUSTAINABILITY IMPLICATIONS**

- **Environmental**  
There are no known significant environmental issues.
- **Economic**  
There are no known significant economic issues.
- **Social**  
There are no known significant social issues.

**VOTING REQUIREMENTS**

Absolute majority

**COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.3.11**

**MOVED: Cr Overby**

**SECONDED: Cr Downing**

**That Council endorse the propose Memorandum of Understanding between the Shire and FESA regarding Shire owned assets on FESA's Reserve 24011 and allow the CEO to sign the document.**

**CARRIED BY ABSOLUTE MAJORITY 8/0**

**Res 251/10**

**Adjournment**

**MOVED: Cr Downing**

**SECONDED: Cr Giles**

That the meeting be adjourned for an afternoon tea break, the time being 5.01pm.

**CARRIED 8/0**

**Res 252/10**

**Resumption**

**MOVED: Cr Downing**

**SECONDED: Cr Oversby**

That the meeting resume, the time being 5.25pm.

**7.3.12 Boyup Brook Flax Mill**

<b>Location:</b>	<i>Boyup Brook</i>
<b>Applicant:</b>	<i>N/A</i>
<b>File:</b>	<i>CP/31/001</i>
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>10 November 2010</i>
<b>Author:</b>	<i>Alan Lamb – Chief Executive Officer</i>
<b>Authorizing Officer:</b>	<i>Not applicable</i>
<b>Attachments:</b>	<i>Letter and email from Heritage Council</i>

**SUMMARY**

The purpose of this report is to bring back to Council the matter of demolition of some of the structures at the Flax Mill with the recommendation that the structures be demolished.

**BACKGROUND**

The following is a copy of the background reported to Council's July 2010 meeting:  
*Council has considered the matter of the flax mill over a number of years.*

*In November 2007 Council applied for a Lotterywest Grant to do a conservation plan for the flax mill and the application was successful. In June 2008 Council resolved as follows; **That Kent Lyon (Architects) be appointed to undertake and complete the following conservation plan:-***

**Flax Mill - \$21,945 (Inc GST)**

*An order was issued 8 July 2008 and the Architect's quote provided that the draft conservation plan would be presented 25 weeks after commission and that the final plan would be 8 weeks after the review period. The final draft was received September 2009 and put to Council in November 2009. The recommendation was as follows;*

- 1) That Council adopts the Flax Mill Conservation Plan as provided**
- 2) That Council proceed with immediate maintenance recommendations and investigate the cost of major repairs recommended in the report.**
- 3) That Council move to source a grant to cover a Structural Engineers report to an approximate cost of \$7000.**

Council resolved as follows;

**That the matter be referred to a Forward Planning Committee for consideration.**

In March 2010 the Forward Planning Committee considered the matter of a plan for the flax mill in terms of the asset management planning it was engaged in and resolved as follows;

**The following recommendations relate to the Flax Mill Complex, lot 336 Jackson Street – freehold title;**

**Recommended to Council that the buildings numbered 3, 4, 5, 11 and 12 on the attached plan (page 97 of the Boyup Brook Flax Mill Conservation plan) be demolished with timbers and other salvageable materials to be recovered. That building number 6 to be removed and retained pending an alternative use being found.**

**Recommended to Council that buildings numbered 1, 2, 7, 8, 9 and 10 on the attached plan (page 97 of the Boyup Brook Flax Mill Conservation plan) be considered for upgrading for conversion to higher quality accommodation and that these buildings be listed in the asset management plan with provision being made for maintenance and replacement .**

**Recommended to Council that buildings numbered 13 and 14 on the attached plan (page 97 of the Boyup Brook Flax Mill Conservation plan) be maintained and that provision be made in the asset management plan for replacement of wall and roofing cladding and fencing only.**

Council accepted these recommendations at its March 2010 meeting.

In June Council considered the matter of timing of the planned demolition works and resolved as follows (note minutes subject to confirmation);

**That \$60,000 be provided from the commercial reserve for demolition of the buildings numbered 3, 4, 5, 11 and 12. Keybrook Holdings be engaged and volunteers be used under direction of Keybrook Holdings with the net funds being placed in the Future of Boyup Brook Community Funds.**

30 June 2010, the HC emailed a letter advising that the flax mill is likely to be considered for entry onto the State's Register of Heritage Places in the near future. Also that heritage assessment will be presented to the Register Committee of the HC within the next six months.

Subsequently a letter was received requesting information. A number of emails and phone conversations between HC and the CEO occurred and the HC forwarded (by email) the attached letter. The request in this letter is for the "Shire to defer any demolition until the Register Committee has had the opportunity to consider the additional information in the draft assessment at its meeting on 30 July 2010.

Following the June Council meeting aspects of the demolition works were discussed with the contractor and an order issued. The contractor has been asked to put the project on hold pending Council's resolution. It is expected that there will be some costs to Council for any delay or cancellation however it is not known what these would be.

At its July 2010 meeting Council resolved as follows:

**That Council agree to the Heritage Council's request to defer planned demolition works at the Boyup Brook Flax Mill until a decision has been made whether the facility is to be included in the state heritage register or the 31 October 2010 whichever is the earliest.**

Council dealt with the matter again at its 19 August 2010 meeting and resolved as follows:

***That Council***

- 1. oppose the Heritage Council's proposal to enter the Boyup Brook Flax Mill in the State Register of Heritage Places.***
- 2. delegate the Shire President, or if he is not able to attend the Chief Executive Officer, to attend the Heritage Council's meeting where it determines the proposed registration of the Boyup Brook Flax Mill.***

The CEO attended a Heritage Council Register Committee meeting 24 September 2010 and put Council's position and participated in the voting. The Committee vote was even on the question of referring the flax mill to the Heritage Council meeting for registration and the Chairman's casting vote was used to support the referral.

The CEO attended, via telephone, the Heritage Council meeting held 8 October 2010 where the attached recommendation was put. The CEO put Council's position to the meeting and participated in the voting. The Heritage Council's vote was 3 for and 4 against the recommendation and so the recommendation was lost and the matter of registration of the flax mill is no longer being considered and the proposed entry in the State Register will not be progressed. Attached is a copy of correspondence from the Heritage Council confirming the Council's decision.

**COMMENT**

It will be noted that the recommendation that went to the Heritage Council meeting supported the demolition of the "former Retting Tanks & Stables, Seed Sorting Shed, The Dormitory and Camp Kitchen". In a sense then the "umpire" has spoken in that the experts in heritage matters have assessed that given their condition these structures are not worth preserving. Based on this and Council's previous decisions to demolish the structures it is recommended that the demolition be done as soon as the contractor is able to commence this work.

It is appreciated that there has been some community support for the retention of some of these structures but it would be difficult to argue for their retention from a historical value perspective now that there is an independent assessment from the heritage "experts" which supports demolition. Also that the Heritage Council when it met did not see that the flax mill was a place of cultural heritage significance or that it had any value for the present community or future generations. Also that the Council did not support the Flax Mill being entered in the State Register.

Council's resolution from its June 2010 meeting may need revisiting. The resolution provides for the structures to be demolished, for the demolition costs to come from the Commercial Reserve Fund, for volunteer labour to be used and for the notional or actual cost of using the volunteer to go to Future Boyup Brook. Looking to the funding first, quotations were obtained, a contractor selected and an order issued for the works. Provision for the works costs and funding was not carried forward into the current budget. It is suggested that Council's June Resolution did not specify the year to which the decision applied and so the works and the funding should have been carried forward. The remedy is for Council to include in its resolution from this meeting that the budget be amended to reflect its previous decision. In relation to the use of voluntary labour, this aspect came about as the result of a window of opportunity that may not now exist and so Council may wish to make this a condition. Similarly, the reference to funds to Future Boyup Brook may no longer be applicable. It is therefore recommended that Council

either rescind the previous resolution and pass a new motion or pass a motion to modify the resolution. The recommendation is along the lines of an amendment to the resolution.

It could be debated whether or not the proposed changes to Council's June 2010 decision make it substantially different. If it were not substantially different then Regulation 10, as set out in a following section, would not apply. On balance though, and if Council is agreeable, it may be prudent to go through the process required by Regulation 10 which is essentially that 1/3 of the number of offices of Council (in this case 3) need to support the motion to change the previous resolution. One way of achieving and demonstrating this has been done is to have a mover, seconder and thirder for the motion.

### **CONSULTATION**

The Author has spoken with the Heritage Council and the Shire Council Councillors.

### **STATUTORY OBLIGATIONS**

The following Regulation from the Local Government (Administration) Regulations has application to the matter of revoking/changing a previous decision:

#### **10. *Revoking or changing decisions made at council or committee meetings — s. 5.25(1)(e)***

- (1) *If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported —*
- (a) *in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or*
  - (b) *in any other case, by at least  $\frac{1}{3}$  of the number of offices (whether vacant or not) of members of the council or committee,*

*inclusive of the mover.*

- (1a) *Notice of a motion to revoke or change a decision referred to in subregulation (1) is to be signed by members of the council or committee numbering at least  $\frac{1}{3}$  of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.*
- (2) *If a decision has been made at a council or a committee meeting then any decision to revoke or change the first-mentioned decision must be made —*
- (a) *in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority, by that kind of majority; or*
  - (b) *in any other case, by an absolute majority.*
- (3) *This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.*

### **POLICY IMPLICATIONS**

Nil

### **BUDGET/FINANCIAL IMPLICATIONS**



It has been established that the provision for the cost of the work and funding were not carried forward from 2009/10 to the 2010/11 Budget and so a budget amendment is required. It should be noted that Council has already committed to the demolition project, by issuing an order to a contractor, and so will be up for some costs if the work did not go ahead.

**STRATEGIC IMPLICATIONS**

Nil

**SUSTAINABILITY IMPLICATIONS**

- **Environmental**  
There are no known significant environmental issues.
- **Economic**  
There are no known significant economic issues.
- **Social**  
There are no known significant social issues.

**VOTING REQUIREMENTS**

Simple majority

**OFFICER RECOMMENDATION – ITEM 7.3.12**

That Council

1. notes that the Heritage Council, as an organisation, supported the demolition of the former Retting Tanks & Stables, Seed Sorting Shed, the Dormitory and Camp Kitchen at the Flax Mill and as a body did not see the place to have cultural heritage significance or have value for the present community and future generations, and did not support it being entered on the State Register.
2. Approve that the planned demolition works be carried out.
3. amends Resolution 116/10 of its June 2010 meeting by deleting all words after the first sentence so that it then reads as follows:  
*That \$60,000 be provided from the commercial reserve for demolition of the buildings numbered 3, 4, 5, 11 and 12*
4. amend the 2010/11 budget to include provision of \$60,000 for demolition works and a transfer of \$60,000 from the Commercial Reserve Fund.

**COUNCIL MOVED INTO COMMITTEE**

**MOVED: Cr Giles**

**SECONDED: Cr Oversby**

That the Council move into a committee of the whole under clause 15.6 of the Standing Orders, Local Law No.1 to allow members free discussion on the matter.

**CARRIED 8/0**

**Res 253/10**

**COUNCIL MOVED OUT OF COMMITTEE**

**MOVED: Cr Muncey**

**SECONDED: Cr O’Hare**

**That the Council moves out of committee of the whole under clause 15.6 of the Standing Orders, Local Law No.1.**

**CARRIED 8/0**

**Res 254/10**

**MOVED: Cr Downing**

**SECONDED: Cr Biddle**

**That item 7.3.12 be referred to the Forward Planning Committee.**

**LOST 3/5 Res 255/10**

**COUNCIL DECISION**

**MOVED: Cr Muncey**

**SECONDED: Cr Giles**

**That Council**

- 1. notes that the Heritage Council resolved not to support the following recommendation:
  - (a) the place is of cultural heritage significance, and is of value for the present community and future generations.**
  - (b) the protection afforded by Act is appropriate; and**
  - (c) the place should be entered in the Register on a interim basis.****

**In light of the resolution, the Office of Heritage will no longer progress the proposed entry of Boyup Brook Flax Mill in the State Register.**

**CARRIED 7/1**

**Res 256/10**

**COUNCIL DECISION**

**MOVED: Cr Downing**

**SECONDED: Cr Giles**

- 2. That Council approve the demolition of the buildings as previously decided at the June Council meeting which are the former retting tanks, stables, seed sorting shed, dormitory and camp kitchen.**

**CARRIED 5/3**

**Res 257/10**

**Request for Vote to be recorded**

Cr Oversby requested that all votes of all Councillors be recorded.

For	Against
Cr Ginnane	Cr Biddle
Cr Giles	Cr O'Hare
Cr Downing	Cr Oversby
Cr Marshall	
Cr Muncey	

**CARRIED 5/3**

**Res 258/10**

**MOVED: Cr Oversby**

**SECONDED: Cr Biddle**

3. amends Resolution 116/10 of its June 2010 meeting by deleting all words after the first sentence so that it then reads as follows:  
*That \$60,000 be provided from the commercial reserve for demolition of the buildings numbered 3, 4, 5, 11 and 12*
4. amend the 2010/11 budget to include provision of \$60,000 for demolition works and a transfer of \$60,000 from the Commercial Reserve Fund.

**CARRIED 8/0**

**Res 259/10**

**Impartiality Interest**

Cr Marshall declared an impartiality interest in the following item due to being a member of the club.

**7.3.13 Boyup Brook Golf Club - Rates**

<b>Location:</b>	<i>Six Mile Road</i>
<b>Applicant:</b>	<i>Boyup Brook Golf Club</i>
<b>File:</b>	<i>AS10010</i>
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>5 November 2010</i>
<b>Author:</b>	<i>Alan lamb</i>
<b>Authorizing Officer:</b>	<i>Not applicable</i>
<b>Attachments:</b>	<i>Letter from Club</i>

**SUMMARY**

The purpose of this report is to put before Council a request from the Golf Club for its annual Council rates charge to be waived with the recommendation that this be agreed to.

**BACKGROUND**

Under the 1960 Local Government Act sporting bodies were exempt from paying Council rates. When the new Act came out in 1995 the rate exemption section was amended and sporting bodies were no longer exempt. It is the author's experience that some Council's did not pick up on the change and so in some districts such bodies have not been rated in error. The 1995 Act does provide for Council to consciously decide to not rate sporting bodies (see the section headed Statutory Obligations).

The Golf Club has paid Council rates for a number of years and recent charges have been as follows:

2008	\$609.13
2009	\$627.30
2010	\$649.22

The charge for 2010 has not been paid as yet.

**COMMENT**

It is noted that the Golf Club owns the land its course etc is situated on and so the land is rateable. Most of the sporting clubs in the district use Crown Reserves managed by the Shire, and pay a ground rent, and so are not burdened by annual rate accounts. This position will however change when the planned leases come into operation and it is intended that an item be put for Council's consideration to waive these charges when the clubs become liable to pay rates or alternatively that Council is responsible for this charge (the latter is the preferred option).

It is recommended that the Golf Club rates for 2010/11 be waived and that rate charges for future years be similarly waived as part of the budget adoption process. It is noted that an alternative would be to charge the rates and then donate that amount to the Club. This

would result in the concession being shown as a donation and would not impact on rate revenue.

It should be noted that the FESA levy would still apply and this has been \$43 for 2008/09 and 2009/10 and rose to \$50 in 2010/11.

### **CONSULTATION**

Nil

### **STATUTORY OBLIGATIONS**

The following section of the Act sets out what is rateable and what is exempt:

#### **6.26. Rateable land**

- (1) *Except as provided in this section all land within a district is rateable land.*
- (2) *The following land is not rateable land —*
  - (a) *land which is the property of the Crown and —*
    - (i) *is being used or held for a public purpose; or*
    - (ii) *is unoccupied, except —*
      - (I) *where any person is, under paragraph (e) of the definition of **owner** in section 1.4, the owner of the land other than by reason of that person being the holder of a prospecting licence held under the Mining Act 1978 in respect of land the area of which does not exceed 10 hectares or a miscellaneous licence held under that Act; or*
      - (II) *where and to the extent and manner in which a person mentioned in paragraph (f) of the definition of **owner** in section 1.4 occupies or makes use of the land;*
  - (b) *land in the district of a local government while it is owned by the local government and is used for the purposes of that local government other than for purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the local government;*
  - (c) *land in a district while it is owned by a regional local government and is used for the purposes of that regional local government other than for the purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the regional local government;*
  - (d) *land used or held exclusively by a religious body as a place of public worship or in relation to that worship, a place of residence of a minister of religion, a convent, nunnery or monastery, or occupied exclusively by a religious brotherhood or sisterhood;*
  - (e) *land used exclusively by a religious body as a school for the religious instruction of children;*
  - (f) *land used exclusively as a non-government school within the meaning of the School Education Act 1999;*
  - (g) *land used exclusively for charitable purposes;*
  - (h) *land vested in trustees for agricultural or horticultural show purposes;*

- (i) *land owned by Co-operative Bulk Handling Limited or leased from the Crown or a statutory authority (within the meaning of that term in the Financial Management Act 2006) by that company and used solely for the storage of grain where that company has agreed in writing to make a contribution to the local government;*
  - (j) *land which is exempt from rates under any other written law; and*
  - (k) *land which is declared by the Minister to be exempt from rates.*
- (3) *If Co-operative Bulk Handling Limited and the relevant local government cannot reach an agreement under subsection (2)(i) either that company or the local government may refer the matter to the Minister for determination of the terms of the agreement and the decision of the Minister is final.*
- (4) *The Minister may from time to time, under subsection (2)(k), declare that any land or part of any land is exempt from rates and by subsequent declaration cancel or vary the declaration.*
- (5) *Notice of any declaration made under subsection (4) is to be published in the Gazette.*
- (6) *Land does not cease to be used exclusively for a purpose mentioned in subsection (2) merely because it is used occasionally for another purpose which is of a charitable, benevolent, religious or public nature.*

The following section of the Act provides for rate charges to be waived:

#### **6.47. Concessions**

*Subject to the Rates and Charges (Rebates and Deferments) Act 1992, a local government may at the time of imposing a rate or service charge or at a later date resolve to waive\* a rate or service charge or resolve to grant other concessions in relation to a rate or service charge.*

*\* Absolute majority required.*

#### **POLICY IMPLICATIONS**

Nil

#### **BUDGET/FINANCIAL IMPLICATIONS**

The recommendation would result in rate income being reduced by \$649.22 in the current year and a similar amount in future years.

#### **STRATEGIC IMPLICATIONS**

Nil

#### **SUSTAINABILITY IMPLICATIONS**

- **Environmental**  
There are no known significant environmental issues.
- **Economic**  
There are no known significant economic issues.
- **Social**  
There are no known significant social issues.

**VOTING REQUIREMENTS**

Absolute majority

**COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.3.13**

**MOVED: Cr Oversby**

**SECONDED: Cr Biddle**

**That Council waive the Boyup Brook Golf Club's rate account for 2010/11 being \$649.22 and that future year's rate charges be similarly waived as part of the budget adoption process.**

**CARRIED BY ABSOLUTE MAJORITY 4/4                      Res 260/10  
(The Shire President used his casting vote for)**

**7.3.14 Boyup Brook Town Hall – request for reduced hire charge**

**Location:** Town Hall  
**Applicant:** Boyup Brook District High School  
**File:**  
**Disclosure of Officer Interest:** None  
**Date:** 9 November 2010  
**Author:** Alan Lamb  
**Authorizing Officer:** Not applicable  
**Attachments:**

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**SUMMARY**

The School seeks a reduced hire fee and the recommendation is that a concession be granted.

**BACKGROUND**

The District High School is hiring the Town Hall 23 November for a musical drama afternoon 23 November 2010 and seeks a reduction to the set hire fee.

Council set the following hire fees as part of its budget determinations:

**Community Group/Clubs Fundraising**

Bond	Council	GST Free	\$	210.00
Deposit	Council	GST Charged	\$	78.75
Hire Charge	Council	GST Charged	\$	157.50

The School did not quantify the fee reduction sought.

The School will be inviting parents and community members to attend and will be producing a DVD for students and their families and have opted for the hall due to its sound qualities.

**COMMENT**

It is noted that the hire would be for an afternoon only and not a whole day and so perhaps a reduced fee is warranted. In looking at fees, a half day hire is not generally half the cost of a full day hire because some of the costs are the same regardless of the period of the hire (cleaning is a good example of this). Some costs are dependant on how long the facility is used (electricity and water are examples of such variable costs). Therefore in looking at a half day rate for the hall perhaps a fee set at between 60% and 75% of the daily rate would be applicable.

In dealing with this request, Council may wish to review hall hire costs to better provide for the various hire periods and facilities uses (i.e. the hall with the kitchen, hall without the kitchen etc).

It is recommended that Council donate to the School 25% of the normal hire fee and that administration be instructed to review the hall hire fee structure and come back with



recommendations to the March 2011 Council meeting with a draft structure that Council could consider for 2011/12.

It is noted that the hall is getting better used lately with the Melody Makers putting on another production this year, indoor net ball (probably not the best type of use for the hall and probably not the most ideal venue for the players but it is a regular and well patronised use of the hall) etc and now the School has recognised it as an option for some of its activities (this type of use may increase especially if the Schools hire experience later this month is a success). Perhaps a new fee structure would make the hall a more attractive option/more affordable and so further increase usage which would be a positive result for such a magnificent community asset.

### **CONSULTATION**

The author has spoken with the School Principal and Council staff members.

### **STATUTORY OBLIGATIONS**

Nil

### **POLICY IMPLICATIONS**

Council's Donations Policy has application.

### **BUDGET/FINANCIAL IMPLICATIONS**

There will be limited budget impact because the hall hire fee estimates used for the budget were based on previous year's income from this source and did not necessarily take account of the Schools hire.

### **STRATEGIC IMPLICATIONS**

Nil

### **SUSTAINABILITY IMPLICATIONS**

- **Environmental**  
There are no known significant environmental issues.
- **Economic**  
There are no known significant economic issues.
- **Social**  
There are no known significant social issues.

### **VOTING REQUIREMENTS**

Absolute majority

**COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.3.14**

**MOVED: Cr Downing**

**SECONDED: Cr O’Hare**

**That Council**

- 1. donate \$52.50, being 25% of the Boyup Brook Town Hall hire fee, to the Boyup Brook District High School.**
- 2. instruct Administration to conduct a review of the Town Hall hire fees and report back to the March meeting of Council with a recommended fee structure, that better meets usage options and is aimed at increasing hall usage, for possible implementation in 2011/12 as part of the budget adoption process.**

**CARRIED BY ABSOLUTE MAJORITY 8/0**

**Res 261/10**

**7.3.15 Country Local Government Fund – Individual Local Government Component**

<b>Location:</b>	N/A
<b>Applicant:</b>	N/A
<b>File:</b>	
<b>Disclosure of Officer Interest:</b>	None
<b>Date:</b>	10 November 2010
<b>Author:</b>	Alan Lamb – Chief Executive Officer
<b>Authorizing Officer:</b>	Not applicable
<b>Attachments:</b>	Correspondence from Great Eastern Zone WALGA

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**SUMMARY**

The purpose of this report is to put before Council the Great Eastern Zone's call for the retention of an individual Local Government component of the Country Local Government Fund with a recommendation that Council supports this.

**BACKGROUND**

As will be seen from the attachments, the Great Eastern Zone is lobbying for retention of an individual component of the CLKGF of 50% of the total pool to Local Government. The Zone sent the letter to the South West Zone and it is put before Council so that Council may indicate to its delegate its preferred position.

**COMMENT**

The attachment is fairly self explanatory. In essence the proposal is that half of the CLGF continue to go direct to Councils for use on infrastructure. The Government plans to move toward 100% of the funds going to regional projects.

This matter will come up at the next WALGA Zone meeting and this gives Council the opportunity to indicate to its delegate how it would like him to vote.

It is suggested that Great Eastern Zone is correct in that there is an infrastructure backlog across the State that could be better addressed via a continuation of a direct CLGF grant each year and so it is recommended that Council support the proposal. Council could instruct its delegate to vote one way or the other at the Zone meeting but it is suggested that it would be better to indicate a vote preference instead. Often, other information is presented at the meetings which may make the alternate vote preferable.

**CONSULTATION**

Nil

**STATUTORY OBLIGATIONS**

Nil

**POLICY IMPLICATIONS**

Nil

**BUDGET/FINANCIAL IMPLICATIONS**

Nil at this time

**STRATEGIC IMPLICATIONS**

Nil

**SUSTAINABILITY IMPLICATIONS**

- **Environmental**  
There are no known significant environmental issues.
- **Economic**  
There are no known significant economic issues.
- **Social**  
There are no known significant social issues.

**VOTING REQUIREMENTS**

Simple majority

Keith left at 6.15pm

**COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.3.15**

**MOVED: Cr Giles**

**SECONDED: Cr Muncey**

**That Council indicate to its delegate to the South West Zone of WALGA its support for the Great Eastern Country Zone of WALGA's position in relation to the future distribution of the Country Local Government Fund.**

**CARRIED 8/0**

**Res 262/10**

**7.3.16 Forward Capital Works Plan 2010/2011 to 2014/2015**

<b>Location:</b>	N/A
<b>Applicant:</b>	N/A
<b>File:</b>	
<b>Disclosure of Officer Interest:</b>	None
<b>Date:</b>	12 November 2010
<b>Author:</b>	Alan Lamb – Chief Executive Officer
<b>Authorizing Officer:</b>	Not applicable
<b>Attachments:</b>	Draft Forward Capital Works Plan 2010/2011 to 2014/2015

**SUMMARY**

The purpose of this report is to put the draft report to Council for adoption

**BACKGROUND**

This report seeks Council endorsement for the Shire of Boyup Brook's Forward Capital Works Plan 2010/2011 to 2014/2015 in accordance with the requirements of the Department of Regional Development and Lands.

The provision of adequate Capital Works Plans is a prerequisite to access individual local government allocations from the Royalties for Regions Country Local Government Fund (CLGF).

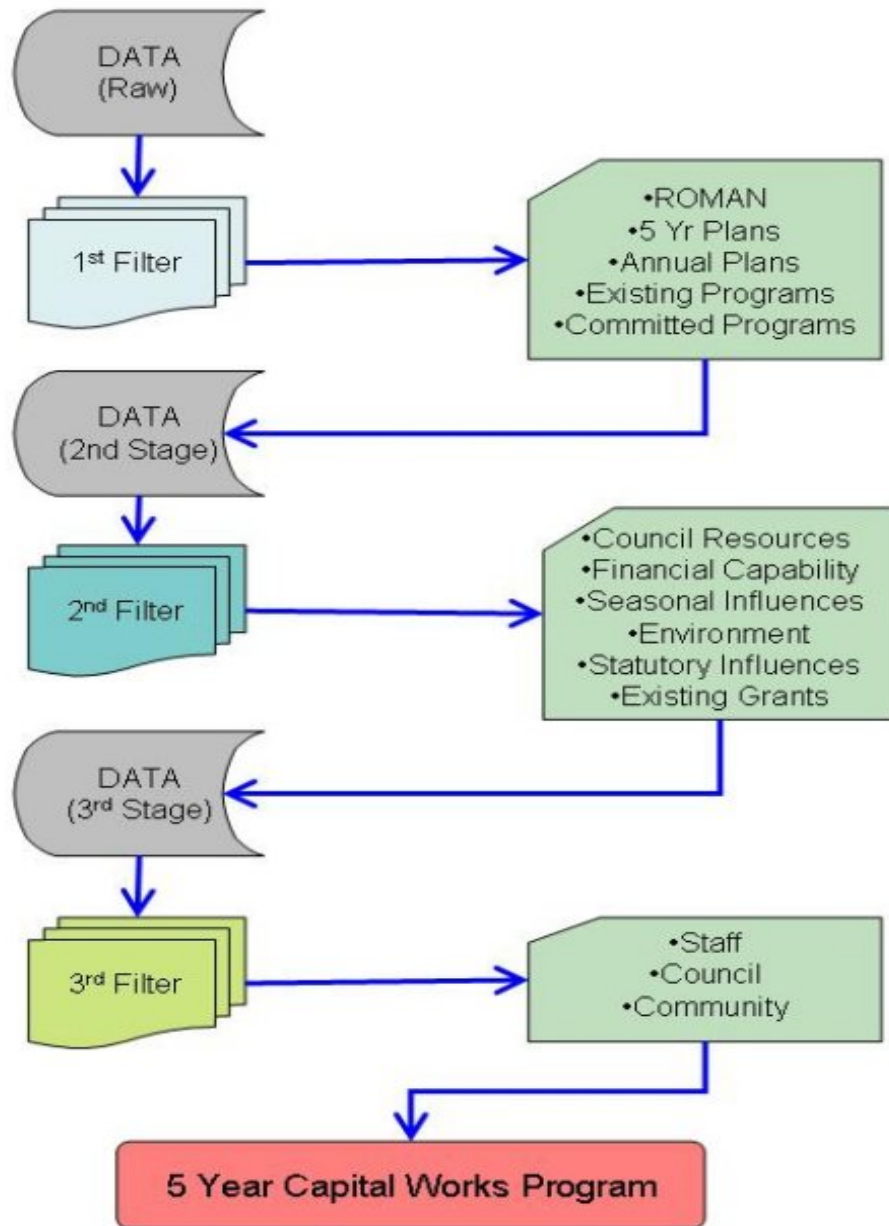
The primary objective of the Royalties for Regions' Country Local Government Fund is to address the backlogs across Western Australian country local government. However, one of the primary intentions of the CLGF in 2009-10 is to improve the quality of planning in country local governments over time.

**COMMENT**

Basically the preparation of the 5 year Forward Capital Works Plan (FCWP) is to identify actual capital projects, and then add actual costs and timeframes against them to create a working document for realistic forward planning. This document becomes the key to the timely provision of services and infrastructure for the community as well as the efficient, accurate use of available funds.

The FCWP lists the capital projects and allocates time and funds to the activities and tasks associated with each project. These projects have been determined by Council and senior staff in accordance with the broader objectives of a Future Plan to attempt to achieve the vision of Council's Strategic planning.

The Shire of Boyup Brook's FCWP has been created in three stages which are the general controls of project in Local Government:



### Forward Capital Works Plan - Methodology

In accordance with the Departments' guidelines, the Shire of Boyup Brook's FCWP addresses:

- infrastructure items only, not plant and equipment.
- infrastructure that is owned by Council. (If not, reasons should be provided for Council wishing to spend funds on assets which it does not own. – i.e. Regional Airport or Waste Facility)
- expenditure for 5 years, commencing in 2010-11.
- Council approval of the FCWP.
- Information on capital works expenditure by Council in 2009-10.

The FCWP contains an opening statement on what the plan covers and confirms Council approval for it with a signature by the Shire President and Chief Executive Officer. It should include a commitment to review the plan each year.

A summary table has been provided as an overview of the Forward Capital Works Plan by the grouping of projects (e.g. Roads and Bridges, Footpaths, Drainage, Open Space, Buildings, Commercial Activities, Foreshores and Marine Safety, Waste, Recreation, Other). The tables include a total expenditure figure for each year and identifies whether capital works expenditure is either for, Renewal, New Assets or Asset Expansion, or Upgrade.

The FCWP has a summary page for each project providing the following information:

- **Purpose of the project.**

*(Information on whole-of-life cost has not been included on each project as the injection of capital funds from CLGF will renew or replace many aging assets, and in return will clearly reduce the on-going costs to Council.*

*In many cases there is little historical data relating precisely to whole of life costs of the existing or new assets, and producing these types of cost models can only be created accurately when specific to a certain scenario. Reviewing these scenarios at a later date may result in misleading or incorrect data being taken forward into following plans or budgets.*

*Each capital project will be presented to Council during normal annual budget deliberations with the relative costing models for consideration at that time.)*

- Background on the project.
- Explain how the project meets the intent of the Council's strategic plan. Expenditure (actual and budgeted) on the project in 2009-10.
- Breakdown of funding sources and amount of funding from each source for each year, including where Council has identified the Country Local Government Fund as a funding source.
- A risk management assessment of each project, including an analysis which addresses scenarios where one or more funding source for a project is reduced, not available or delayed.
- An indication of whether a project involves expenditure for renewal, new assets, or asset expansion or upgrade.
- Any other issues relating to the project.

### **CONSULTATION**

The underlying documents that much of the plan is based on such as the Strategic Plan were subject to wide consultation.

### **STATUTORY OBLIGATIONS**

Whilst Forward Capital Works Plans do not have a statutory requirement at this stage, it is good practice to improve the process of planning for the future of the district, which is a requirement under the Local Government Act 1995, Section 5.56(1)

### **POLICY IMPLICATIONS**

Nil

### **BUDGET/FINANCIAL IMPLICATIONS**

There are no specific financial implications with the item, however many projects listed in the FCWP will require additional or matching funds from “other” sources. Council should develop a procedure so funding applications are made in a timely fashion and in accordance with the procedures of the funding agency to ensure that Council’s projects are not deferred.

### **STRATEGIC IMPLICATIONS**

This plan is, at least in part, based on the Strategic Plan.

### **SUSTAINABILITY IMPLICATIONS**

- **Environmental**  
There are no known significant environmental issues.
- **Economic**  
There are no known significant economic issues.
- **Social**  
There are no known significant social issues.

### **VOTING REQUIREMENTS**

Simple majority

### **OFFICER RECOMMENDATION – ITEM 7.3.16**

1. That Council receive and endorses the Shire of Boyup Brook’s Forward Capital Works Plan 2010/2011 to 2014/2015.
2. That Council request the Chief Executive Officer to develop a method of Council reviewing the Forward Capital Works Plan annually.

### **COUNCIL DECISION – ITEM 7.3.16**

**MOVED: Cr Downing**

**SECONDED: Cr Oversby**

**That item 7.3.16 be referred to the Forward Planning Committee meeting for further discussion.**

**CARRIED 8/0**

**Res 263/10**



### 7.3.17 Country Local Government Fund Expenditure

<b>Location:</b>	Shire of Boyup Brook
<b>Applicant:</b>	N/A
<b>File:</b>	FM/04/004
<b>Disclosure of Interest:</b>	Nil
<b>Date:</b>	11/11/2010
<b>Author:</b>	Geoff Carberry- Senior Administration Officer
<b>Authorising Officer:</b>	Alan Lamb - Chief Executive Officer
<b>Appendices:</b>	Flax Mill Concept Plan

#### **SUMMARY**

This item is to approve the expenditure of the funding available to the Shire of Boyup Brook through the Country Local Government Fund.

#### **BACKGROUND**

After due consideration of current asset needs the following items have been identified as worthy of expenditure.

Flax Mill Caravan Park

- Develop the regained area from the demolition works to Park cabin style accommodation as previously discussed by Council. (D)
- Build a New Ablution Facility (A)

Town Hall

- Install Air conditioning

Swimming Pool

- Install Solar supplementary power.

#### **COMMENT**

The presented plan of the Flax Mill Caravan Park is a full concept plan to be completed as funds allow it is a living document that can be changed as needs dictate.

Indicated costs for the currently proposed works are:-

Installation of two Park Cabin units with some additional infrastructure \$180,000.

Provision of a new Ablution block \$ 150,000.

Provision of Air conditioning Town Hall \$21,200.

Provision of Solar Power to the swimming pool admin area \$14,063.

Whilst the provision of the Cabins will not replace the current level of accommodation of the dorms (30 beds) it will provide a level of accommodation at a vastly increased standard bringing the facilities on offer to a standard matching or above those of surrounding Shires. If proven successful, development can be achieved over a number of stages. The eventual loss of building 7 and the indoor sporting facility could be covered in the planning of the recreational area. Numerous reports have indicated that the current ablutions are below the standards expected by modern day travellers and as such should be treated as a priority but they could still be used in an overflow situation if left insitu this would help keep the new facility within the allocated costs.

By providing air conditioning to the town hall the facility will become more attractive to users, it will also add further improvement for its use as an emergency evacuation/welfare centre as indicated in the LEMC emergency evacuation plan.

Provision of the solar power at a number of sites was indicated in pre budget studies but these were not included in the final budget. This site and funding gives Council an opportunity to install a fully operational system for appraisal for future funding opportunities along with increasing our sustainability.

### **CONSULTATION**

W Jolley Health and Buildings Officer  
D McFadyean - Solar equip  
G Bogar - Flax Mill caravan Park Caretaker  
Fleetwood Homes  
TR Homes  
Peter Joyce Bridgetown Refrigeration and Air-conditioning.

### **STATUTORY ENVIRONMENT**

Royalties for Regions Act 2009  
Local Government Regulations 1996

### **FINANCIAL IMPLICATIONS**

Nil

### **STRATEGIC IMPLICATIONS**

Nil

### **VOTING REQUIREMENTS**

Absolute Majority

### **OFFICER RECOMMENDATION – ITEM 7.3.17**

That Council approve the expenditure of funds as provided by the Country Local Government Fund in accordance with the forward capital works plan totalling \$365,263 be allocated by way of E132300 Flax Mill Caravan Park, cabins and ablutions, three hundred and twenty thousand dollars (\$320,000), E111005 Boyup Brook Town Hall, air conditioning, twenty one thousand two hundred dollars (\$21,200) and E112005 Boyup Brook Swimming Pool, solar power, fourteen thousand and sixty three dollars (\$14,063).

### **COUNCIL MOVED INTO COMMITTEE**

**MOVED: Cr Marshall**

**SECONDED: Cr Oversby**

That the Council move into a committee of the whole under clause 15.6 of the Standing Orders, Local Law No.1 to allow members free discussion on the matter.

**CARRIED 8/0**

**Res 264/10**

**COUNCIL MOVED OUT OF COMMITTEE**

That the Council moves out of committee of the whole under clause 15.6 of the Standing Orders, Local Law No.1.

**CARRIED 8/0**

**Res 265/10**

**COUNCIL DECISION – ITEM 7.3.17**

**MOVED: Cr Downing**

**SECONDED: Cr Muncey**

That item 7.3.17 be referred to the Forward Planning Committee for further discussion.

**CARRIED BY ABSOLUTE MAJORITY 8/0**

**Res 266/10**

## 8.1 COMMITTEE REPORTS

**MOVED:** Cr Marshall

**SECONDED:** Cr Biddle

That the Council adopts en bloc Items 8.1.1, 8.1.2, 8.1.3, 8.1.4, and 8.1.5

**CARRIED 8/0**

**Res 267/10**

### 8.1.1 Minutes of the Blackwood River Valley Marketing Association

<b>Location:</b>	N/A
<b>Applicant:</b>	N/A
<b>File:</b>	IM/37/008
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	09 November 2010
<b>Author:</b>	Alan Lamb – Chief Executive Officer
<b>Authorizing Officer:</b>	Not Applicable
<b>Attachments:</b>	Yes - Minutes

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#### **BACKGROUND:**

A meeting of the Blackwood River Valley Marketing Association was held on 12<sup>th</sup> October 2010.

Minutes of the meeting are laid on the table and circulated (*refer to appendix 8.1.1*)

#### **OFFICER RECOMMENDATION – ITEM 8.1.1**

That the minutes of the Blackwood River Valley Marketing Association held on 12<sup>th</sup> October 2010 be received.

**CARRIED BY EN BLOC RESOLUTION**

**Res 268/10**

### 8.1.2 Minutes of the Local Emergency Management Committee

<b>Location:</b>	N/A
<b>Applicant:</b>	N/A
<b>File:</b>	EM/37/001
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	09 November 2010
<b>Author:</b>	Alan Lamb – Chief Executive Officer
<b>Authorizing Officer:</b>	Not Applicable
<b>Attachments:</b>	Yes – Minutes

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**BACKGROUND:**

A meeting of the Local Emergency Management Committee was held on 28<sup>th</sup> September 2010.

Minutes of the meeting are laid on the table and circulated (*refer to appendix 8.1.2*)

**OFFICER RECOMMENDATION – ITEM 8.1.2**

That the minutes of the Local Emergency Management Committee held on 28<sup>th</sup> September 2010 be received.

CARRIED BY EN BLOC RESOLUTION

Res 269/10

<b>8.1.3 Youth Advisory Committee Minutes</b>
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<b>Location:</b>	N/A
<b>Applicant:</b>	N/A
<b>File:</b>	IM/37/004
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	8 November 2010
<b>Author:</b>	Annie Jones – Youth Officer
<b>Authorizing Officer:</b>	Alan Lamb – Chief Executive Officer
<b>Attachments:</b>	Yes – Minutes

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**BACKGROUND:**

A meeting of the Youth Advisory Committee was held on 7<sup>th</sup> September and 12<sup>th</sup>, 19<sup>th</sup> and 26<sup>th</sup> October 2010.

Minutes of the meeting are laid on the table and circulated (*refer to appendix 8.1.3*)

**OFFICER RECOMMENDATION – ITEM 8.1.3**

That the minutes of the Youth Advisory Committee Minutes held on 7<sup>th</sup> September and 12<sup>th</sup>, 19<sup>th</sup> and 26<sup>th</sup> October 2010 be received.

CARRIED BY EN BLOC RESOLUTION

Res 270/10

### 8.1.3 Minutes of the Boyup Brook Tourism Association

<b>Location:</b>	N/A
<b>Applicant:</b>	N/A
<b>File:</b>	IM/37/009
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	9 November 2010
<b>Author:</b>	Daly Winter – Community Development Officer
<b>Authorizing Officer:</b>	Alan Lamb – Chief Executive Officer
<b>Attachments:</b>	Yes – Minutes

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#### **BACKGROUND:**

A meeting of the Boyup Brook Tourism Association was held on 8<sup>th</sup> October 2010.

Minutes of the meeting are laid on the table and circulated (*refer to appendix 8.1.4*)

#### **OFFICER RECOMMENDATION – ITEM 8.1.4**

That the minutes of the Boyup Brook Tourism Association held on 8<sup>th</sup> October 2010 be received.

**CARRIED BY EN BLOC RESOLUTION**

**Res 271/10**

### 8.1.5 Minutes of Meeting Bunbury to Albany Route

<b>Location:</b>	N/A
<b>Applicant:</b>	N/A
<b>File:</b>	
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	9 November 2010
<b>Author:</b>	Alan Lamb – Chief Executive Officer
<b>Authorizing Officer:</b>	Not Applicable
<b>Attachments:</b>	Yes - Minutes

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#### **BACKGROUND:**

A meeting of the Bunbury To Albany Route was held on 17<sup>th</sup> September 2010.

Minutes of the meeting are laid on the table and circulated (*refer to appendix 8.1.5*)

#### **OFFICER RECOMMENDATION – ITEM 8.1.5**

That the minutes of the Bunbury to Albany held on 17<sup>th</sup> September 2010 be received.

**CARRIED BY EN BLOC RESOLUTION**

**Res 272/10**

**9 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

**10 URGENT BUSINESS BY APPROVAL OF THE PRESIDENT OR A MAJORITY OF COUNCILLORS PRESENT**

**COUNCIL DECISION – ITEM 10.1.1**

**MOVED: Cr Downing**

**SECONDED Cr Oversby**

**That Council allow for a late item.**

**CARRIED 8/0**

**Res 273/10**

**COUNCIL DECISION – ITEM 10.1.1**

**MOVED: Cr Biddle**

**SECONDED: Cr Muncey**

**That Council form a committee to investigate ways of attracting more residents to Boyup Brook and to report to Council on its recommendation. Council decided to nominate 3 Councillors and 4 community members to be on the committee.**

**Councillors nominated are Cr Biddle, Cr Muncey and Cr O'Hare. The nominated Councillors will recommend community members to the December Council meeting.**

**CARRIED 8/0**

**Res 274/10**

**11 CONFIDENTIAL MATTERS – BEHIND CLOSED DOORS**

**Behind Closed Doors**

**MOVED: Cr Downing**

**SECONDED: Cr Marshall**

**That in accordance with Section 5.23 (2) (b) of the Local Government Act 1995 the next part of the meeting be closed to members of the public and staff to allow the Council to consider matters dealing with the personal affairs of the CEO, the time being 7.00pm.**

**CARRIED 8/0**

**Res 275/10**

7.00pm – CEO, MF, MWKS, EA left at 7.00pm

7.05pm – Cr Muncey left the Chambers

**11.1.1 CEO – Long Service Leave**

**MOVED: Cr Giles**

**SECONDED: Cr Marshall**

**That Council**

- 1. approve of the CEO taking three weeks Long Service Leave from January 4 to January 24 2011 and that Council approve of the leave being taken in accordance with Regulations 6B.**
- 2. amend the budget by providing an amount equal to three weeks of the CEO's salary to be met from the Leave Reserve fund.**

**CARRIED 7/0**

**Res 276/10**

**MOVED: Cr Downing**

**SECONDED: Cr Marshall**

**That the meeting be reopened to the public 7.08pm**

**CARRIED 8/0**

**Res 277/10**

7.10pm – Cr Muncey returned to the Chambers.

7.10pm – CEO, MWKS and MF returned to the Chambers.

**12 CLOSURE OF MEETING**

There being no further business the Shire President, Cr Terry Ginnane declared the meeting closed at 7.11pm.